

COUNTY PERSONNEL POLICY BOARD

JUNE 1, 2023

MEETING

Meeting was held Thursday, June 1, 2023, Commissioners Hearing Room, County-City Building, Lincoln, Nebraska.

Members present: Hannah Schmidt, Tara Paulson, Sherri Wimes, and Jeanne Sayers. Member absent: Eric Brown. Human Resources Department resource staff attending: Malerie McNair.

The meeting was opened at 1:30 p.m. by Vice Chair, Tara Paulson.

Agenda Item 1 was the approval of the minutes from the February 2, 2023 meeting. It was moved by Hannah Schmidt and seconded by Tara Paulson to approve the minutes as presented. Motion unanimously carried by roll call vote. Next was the approval of the minutes from the March 22, 2023 meeting. It was moved by Jeanne Sayers and seconded by Hannah Schmidt to approve the minutes as presented. Voting YES: Sherri Wimes, Jeanne Sayers, and Hannah Schmidt. Abstaining: Tara Paulson. The minutes will show as approved.

Agenda Item 2 was the request to create the classification 7876 – Youth Services Program Coordinator. Barb McIntyre of the Human Resources department explained the class is being created at Youth Services' request. Barb McIntyre explained that this classification will be coordinating the Behavior Management System within the Youth Services Center. Barb McIntyre stated that the pay was aligned with the Juvenile Detention Team Leader and Juvenile Training Coordinator. Barb McIntyre also explained that there was one person in this position that would receive a bump up in pay. Following discussion, it was moved by Sherri Wimes and seconded by Hannah Schmidt to approve the creation as presented. Motion unanimously carried by roll call vote.

Agenda Item 3 was the request to revise classification 5766 – Community Corrections Drug Screening Technician (A12). Barb McIntyre of the Human Resources department explained this request was made by Community Corrections to remove the driver's license requirement from this classification. The Community Corrections Drug Screening Lead Technician position was added and has taken on all driving responsibilities. Following discussion, it was moved by Hannah Schmidt and seconded by Tara Paulson to approve the revision. Motion unanimously approved by roll call vote.

Agenda Item 4 was the request to amend County Rule 1 – Definitions. Barb McIntyre of the Human Resources Department explained that there were two minor edits being made. Barb McIntyre explained the as the Human Resources Director, there are certain things that she needs to delegate, so the designee language was added to the definition of Human Resources Director, to reflect the current practice. Barb McIntyre stated the second change was to edit the definition of Spouse, by having it match what the FMLA regulations of Spouse is and by removing common law language, as it is not recognized in the state of Nebraska. Hannah Schmidt asked for clarification on the definition of Spouse, as she thought the two sentences contradicted each other. Hannah Schmidt also asked if there are certain things that Barb McIntyre cannot delegate and if so if that should be included in the definition. Barb McIntyre answered that there were some things that she cannot delegate, but would like to keep it vague, for it could get extensive and she feels as if it is at her authority to note what is appropriate and what is not.

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Tara Paulson agreed with Hannah Schmidt that the language on Spouse was confusing and proposed edits for the Spouse definition. Barb McIntyre agreed to the edits that were proposed. Tara Paulson also agreed with Hannah Schmidt on re-doing the language proposed for the Human Resources Definition. After discussing the language, Barb McIntyre suggested that they strike the Human Resources Director definition, pass the spouse definition, and they would come back at the next meeting with a better definition for Human Resources Director. Following discussion, it was moved by Tara Paulson and seconded by Hannah Schmidt to approve with noted changes to be made. Motion unanimously carried by roll call vote.

Agenda Item 5 was the request to amend County Rule 19.8 – Pregnancy and Parental Leave. Barb McIntyre of the Human Resources Department explained that this will be creating a benefit that will apply to only unrepresented full and part-time County employees that work at least 20 hrs. (part time) or 40 hrs. (full time), that would provide them with paid parental leave. The paid parental leave will allow them up to 240 hours or a prorated portion if they are part time. Barb McIntyre explained that this will be earned in a 12-month period on when they earn it and when they get it back. It can be taken intermittently and runs concurrently with FMLA. Barb McIntyre stated that employees need to use their paid parental leave before they tap into their sick and vacation leave. Jeanne Sayers asked if this was something that was earned per pay period. Barb McIntyre responded that as soon as the employee is out of probation, they earn this as a benefit. Hannah Schmidt addressed language in sections A and B that didn't match, so she suggested that they should match. Barb McIntyre agreed to the revision. Hannah Schmidt also brought attention to Section B 1:3 where the word 'new' was located when defining spouse. Barb McIntyre agreed to remove the word 'new', as she felt it didn't change the intent. Following discussion, it was moved by Hannah Schmidt and seconded by Tara Paulson to approve with noted changes to be made. Motion unanimously carried by roll call vote.

Agenda Item 6 was the request to amend County Rule 19.12 – Requirements as to Continuous Service. Barb McIntyre of the Human Resources Department explained that the rule language didn't match practice, so this brings the rule in alignment with what is being practiced today. The clean-up language states that seniority dates are not adjusted for those who take protected leave. Following discussion, it was moved by Hannah Schmidt and seconded by Sherri Wimes to approve the amendment as presented. Motion unanimously carried by roll call vote.

Agenda Item 7 was the request to create the Protected Family Leave Human Resources Bulletin. Barb McIntyre of the Human Resources Department explained that under FMLA if two spouses both work for the County, they currently have a combined 12 weeks of Protected Family Medical Leave in the case of a Birth, Adoption, or Placement of a child. The creation of County Protected Family Leave would now bridge the gap and provide 12 weeks per parent in the case of a Birth, Adoption, or Placement of a child, up to the first 12 months after Birth, Adoption, or Placement. Jeanne Sayers asked if both spouses need to work in the same department. Barb McIntyre answered that as long as the two spouses are County Employees, it doesn't matter what department they work in. Following discussion, it was moved by Sherri Wimes and seconded by Hannah Schmidt to approve the creation as presented. Motion unanimously carried by roll call vote.

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Agenda Item 8 was the request to amend the Family and Medical Leave Act Human Resources Policy Bulletin. Barb McIntyre of the Human Resources Department explained that there are three edits with one of them being the creation of the role centralized Leave Manager and bringing the FMLA work within Human Resources. Barb McIntyre stated the second edit enables employees to anything that qualifies as an FMLA qualify event, including bonding, to use any accrued or banked sick leave. Barb McIntyre stated the third edit was to change from the 'Future Forward' calculation method to a 'Rolling 12-Month' calculation method. Tom McCarty from Keating, O'Gara, on behalf of FOP #32 – County Corrections, joined the podium. Tom McCarty had some objections to Item 8. The first objection was that there was no reasonable notice of this agenda item to employee organizations. Tom McCarty pointed out the agenda for the meeting, stating the Union Presidents weren't copied on the agenda, but County Department Heads were. The second objection was to the email notification that was sent to Union Presidents regarding changes brought to the County Personnel Policy Board. Tom McCarty explained how the email was sent late and there were only two of the items attached to the email. Tom McCarty stated that two of the previous items were sent, but not Item 8 or Item 9, therefore he felt it was inappropriate and didn't follow the policy. Tom McCarty also stated that this policy is currently subject to litigation, regarding a pending grievance. There was a special session set up last week for the grievance, but due to lack of quorum is looking to be rescheduled. Tom McCarty stated that this policy is a subject of that grievance. Tom McCarty also explained that there is a question as to what policy is currently in effect. Tom McCarty also brought up the 12-month calculation period. It was stated that the way it is written would result in employees subject to termination, had this rule been in affect if they had FMLA last year. Tom McCarty explained that if County Correction employees had modified duty or an office job, they would be able to not use FMLA, so the change could lead to officers getting fired when previously under the current rule, they wouldn't. Tom McCarty also raised question as to why paragraph 4's language has 'any leave balance under 15 minutes'. Tom McCarty stated that in Paragraph 12, for bonding, it is against federal law to require a Medical Certification and it is included in this Item. Tom McCarty requested a delay on this Item agenda. Following discussion, for procedural reasons it was delayed by Tara Paulson with no objections.

Agenda Item 9 was the amend the Worker's Compensation Human Resources Policy Bulletin. Tara Paulson explained she had an email from Tom McCarty stating he had objections to Item 8 and Item 9, so Tara Paulson suggested delaying a vote on this item as well. Following discussion, for procedural reasons, it was delayed by Tara Paulson with no objections.

Agenda Item 10 was the request for grievance hearing from IBEW – Shawn Slezak – Suspension - Engineering. John Corrigan of Dowd & Corrigan, LLC represented the grievant. Ashley Bohnet of the County Attorney's office represented the County Engineering department. The proceedings were recorded by Sally Parrack and are on file with her. Ashley Bohnet offered exhibits #1-#6. John Corrigan had no objections. John Corrigan offered exhibits #7-#10. Ashley Bohnet objected to #8, #9, and #10 on relevance. Vice Chair Tara Paulson received #7, #9, and #10 and reserved #8 to be played if needed. Witnesses: Pam Dingman, Steven Spader, Rick Phillips and Shawn Slezak. Following discussion, it was moved by Jeanne Sayers to sustain the appeal. There was no second. It was moved by Tara Paulson and seconded by Hannah Schmidt to deny the appeal of Shawn Slezak. Voting YES: Tara Paulson and Hannah Schmidt. Voting NO: Jeanne Sayers.

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Agenda Item 11 was the request for grievance hearing from IBEW – Jared Dickey – Suspension - Engineering. Vice Chair Tara Paulson stated that the grievance will be continued due to running out of time.

There being no further business, the meeting adjourned at 4:30 p.m.

The next regularly scheduled meeting is tentatively set for Thursday, July 6, 2023.

Malerie McNair

Human Resources Executive Assistant

PC: Department Heads
 Kristy Bauer
 Barb McIntyre
 John Corrigan
 Ashley Bohnet
 Pam Dingman
 Shawn Slezak
 Jared Dickey
 Tom McCarty