

October 22, 2024

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Wednesday, October 30, 2024
1:00 p.m., Commissioners Hearing Room
County-City Building, Room 112

Special Date and Time

A G E N D A

- ITEM 1: Approve Minutes from the October 3, 2024, meeting.
- ITEM 2: Public Comment
- ITEM 3: Miscellaneous Discussion
- ITEM 4: Request for appeal hearing - IBEW – James Gibbs – Engineering - Suspension.

pc: County Agencies
Union Presidents
Barb McIntyre
Kristy Bauer
John Ward
James Gibbs



OFFICIAL APPEAL

NAME OF EMPLOYEE: James Gibbs

DEPARTMENT: Engineering

CLASSIFICATION: Equipment Operator

WORK LOCATION: Sprague shop

STATEMENT OF APPEAL:

List applicable appeal: On November 6, 2023, during routine mowing duties near SW 114th and Sprague Road James hit a small tree with the mower. This resulted in the hitch breaking causing \$337.99 damage to the mower. James notified his supervisor as soon as it happened.

In addition on June 15, 2022, during routine blading duties James failed to raise his profiler and struck the end of structure T172 causing \$176.26 damage to the profiler.

At the pre disciplinary meeting held on December 1, 2023 James provided mingatting evidence that according to the specifications in the operator manual and with the pictures that James submitted that the hitch on the tractor was actually mounted at the wrong distance therefore compromising the hitches strength.

According to the 2023 CBA Article 19 section 1 states that: at the pre disciplinary meeting the employee will have the opportunity to respond to the charges and present mitigating evidence and / or reasons why disciplinary action should not be taken. IBEW believes that James provided enough mitigating evidence for him not to be disciplined.

In addition it was also pointed out at the pre disciplinary meeting by IBEW 1536 Vice President Rick DeBoer that the previous so-called damage that had happened on June 15, 2022 to the profiler did not damage the profiler at all and the only thing that was needed was replacement bolts to remount it. Therefore, there should have never been a written reprimand in the first place.

Adjustment Required: Uphold the appeal by giving James back his one day suspension and make him whole again.

IBEW Local 1536 is the representative to act in the disposition of this appeal.

Date: January 8, 2024

Signature of Union Representative: Rick DeBoer

THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN DUPLICATE.

ORIGINAL TO: Human Resource

COPY: LOCAL UNION GRIEVANCE FILE



Pamela L. Dingman, P.E.
County Engineer

John V. Berry, P.L.S.
Deputy County Surveyor

444 Cherry Creek Road, Bldg. C
Lincoln, Nebraska 68528
Phone: 402-441-7681 Fax: 402-441-8692

November 22, 2023

James Gibbs
22895 South 68th Street
Hickman NE, 68372

Dear James:

The purpose of this letter is to inform you that I am proposing to suspend you without pay for one (1) working day pursuant to Lancaster County Personnel Rule 11.2(d) and Article 19 of the 2021-2023 Bargaining Agreement between IBEW-Engineering and the County. This proposed suspension is based upon violations of the Lancaster County Personnel Rules. It appears that the following rules, policies, and provisions were violated:

1. Lancaster County Personnel Rule 11.2(h)(8), "The employee has been incompetent or inefficient in the performance of the duties of his position"
2. Lancaster County Personnel Rule 11.2(h)(9), "The employee has been careless or negligent with the monies or other property of the County."

On November 6, 2023, the facts were reported to me as follows:

On November 6, 2023, during routine mowing duties using county mower #1893 near SW 114 Nth of Sprague Rd, you hit a small tree with the mower causing the hitch to break. You notified Eric Hunt, took pictures of the mower to email Shawn P, and put barricades around the mower for safety during the repair. Hitting the tree with the mower caused \$ 337.99 in damage to mower #1893 property.

In addition, on June 15, 2022, during routine road blading duties, you were in motor grader #328, blading southbound up to structure T172, located approximately at SW 14th south of Sprague Rd. You failed to raise your profiler and struck the end of structure T172. Your action caused three of the four blades to break off of your profiler which caused \$176.26 in damages to your equipment.

Pursuant to Article 19, Section 1 of the IBEW-Engineering Agreement, a pre-disciplinary meeting has been set for December 1, 2023, at 2:30 pm, at the Lancaster County Engineering Office. You may bring a Union representative to this meeting. At the meeting, you may present any evidence, arguments, or mitigating factors regarding these charges. If you do not wish to meet to discuss these charges, please let me know in writing and I will proceed with the appropriate discipline based upon the information before me at this time.

Sincerely,

Pamela L. Dingman, P.E.
Lancaster County Engineer

cc: Barb McIntyre, Human Resources Director
Ashley Bohnet, County Attorney
Kari Hockemeier, Human Resources Business Partner

James Gibbs 301105 12/18/2023
Name (Please Print) Oracle Person Number Date
Equipment Operator Lancaster County Engineering
Classification Department

This is to officially notify you that you are suspended from your position for a period of 1 working days in accordance with Lancaster County Personnel Rule 11.2(d) or in accordance with a Labor Agreement, if applicable.

Period of Suspension: To Begin: Date 12/20/2023 Time Start of Day
To End: Date 12/20/2023 Time End of Day
You are to return to work: Date 12/21/2023 Time Start of Day

VIOLATION

What action or inaction on the part of the employee has given cause for the suspension? (Give complete details, including dates, witnesses, if applicable. Use additional pages, if necessary.)

On November 22, 2023, you received a letter proposing to suspend you without pay for one working day pursuant to Lancaster County Personnel Rule 11.2(d) and Article 19 of the 2021-2023 Bargaining Agreement between IBEW General and the County. This proposed suspension is based upon violations of the Lancaster County Personnel Rules. A pre-disciplinary meeting was held on December 1, 2023. You attended this meeting with Rick DeBoer, Kris, Mayer, and Kari Hockemeier

I have determined the following rules were violated.

1. Lancaster County Personnel Rule 11.2(h)(8), "The employee has been incompetent or inefficient in the performance of the duties of his position"
2. Lancaster County Personnel Rule 11.2(h)(9), "The employee has been careless or negligent with the monies or other property of the County."

I have made my decision of the facts set forth below:

On November 6, 2023, during routine mowing duties using county mower #1893 near SW 114 Nth of Sprague Rd, you hit a small tree with the mower causing the hitch to break. You notified Eric Hunt, took pictures of the mower to email Shawn P, and put barricades around the mower for safety during the repair. Hitting the tree with the mower caused \$ 337.99 in damage to mower #1893 property.

In addition, on June 15, 2022, during routine road blading duties, you were in motor grader #328, blading southbound up to structure T172, located approximately at SW 14th south of Sprague Rd. You failed to raise your profiler and struck the end of structure T172. Your action caused three of the four blades to break off of your profiler which caused \$176.26 in damages to your equipment.

Was employee given a written reprimand for a similar violation prior to this suspension? Written reprimand is not necessary if violation is of such severity as to by-pass written reprimand. ☒ NO ☐ YES DATE _____
Corrective action to be taken by employee to avoid more severe disciplinary action:

With any piece of equipment, you are expected to be aware and familiar with surroundings, hazards, and conditions when operating equipment. You are expected to safely and properly operate equipment and you are expected to keep assigned County vehicles, tools, and equipment in a clean and safe operating condition. Safety and awareness of your surroundings should always be a priority.

YOU ARE ADVISED THAT A SIMILAR OR RELATED VIOLATION CAN RESULT IN MORE SEVERE DISCIPLINARY ACTION OR DISCHARGE OF YOUR EMPLOYMENT BY THE CITY AS APPLICABLE. REFER TO THE APPROPRIATE UNION CONTRACT OR LINCOLN MUNICIPAL CODE FOR GUIDELINES IF YOU FEEL YOU HAVE BEEN SUSPENDED UNJUSTLY.

SIGNATURES:

Supervisor(s): [Signature] Date: 12-19-23
Department Head: [Signature] Date: 12-20-23
Employee: [Signature] Date: 12/19/23
Date: 12-20-23

Forward a copy of this form to Human Resources