

DATE: October 30, 2025

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, November 6, 2025
12:30 p.m., City Council Chambers
County-City Building, 555 S. 10th St.

A G E N D A

ITEM 1: Approve Minutes from the October 9, 2025, meeting.

ITEM 2: Request to approve updated revisions to Rules 5, 6, 7, and 9.

ITEM 3: Request to revise Personnel Policy Bulletin 2015-3 – Drug Police to 2025-3 Workplace Drug and Substance Use Policy.

ITEM 4: Public Comment

ITEM 5: Miscellaneous Discussion

End of Regular Meeting

ITEM 6: Appeal of Termination – Benjamin Rowe and FOP 32 – Corrections Officer

XC: County Agencies
Union Presidents
Barb McIntyre
Kristy Bauer
John Ward
John Corrigan
Kari Wiegert

COUNTY PERSONNEL POLICY BOARD MEETING

October 9, 2025

MINUTES

A meeting was held Thursday, October 9, 2025, Commissioners Hearing Room, County-City Building, Room 112, Lincoln, Nebraska.

Members present: Greg Meyer, Mark Munger Sherri Wimes, Jaydon Pence and Cori Beattie. Human Resources Department resource staff attending: Carmen Flynn.

The meeting was opened at 1:30 p.m. by Chair Mark Munger.

Agenda Item 1 was the approval of the minutes from the September 4, 2025, meeting. The minutes were moved by Corie Beattie and seconded by Sherri Wimes to approve the minutes as presented. Motion unanimously approved by roll call vote. Abstain: Mark Munger.

Agenda Item 2 was the request to approve revisions to County Rules 5, 6, 7, and 9. Prior to the meeting the Board was emailed a “clean” copy of the rules to look over for their review. Laura Leppky from the Human Resources Department came forward to speak on the issue. Laura spoke on each rule individually, giving the Board time to ask questions and give their suggestions for each. Barb McIntyre from the Human Resources department spoke on the subject of the policy of workforce substance use, that this policy is in front of the Mayor for review. There are positions that will not be tolerated. Will they lose their jobs? Right now it is anyone with a CDL. You cannot come to work under the influence of anything that is altering. Reasonable suspicion we can drug test. Laura continued on with during the application process, do not leave anything off. Must meet the closing deadline to apply for positions. Laura continued speaking one section at a time and pausing for questions and concerns. Following discussion, it was moved by Jaydon Pence and seconded by Mark Munger to forward this request for further review and revisions, until the November 6, 2025 meeting. Motion unanimously approved by roll call vote.

Agenda Item 3 was Public Comment. None.

Agenda Item 4 was Miscellaneous Discussion. None.

There being no further business, motion was made by Jaydon Pence and seconded by Greg Meyer to adjourn. Motion unanimously approved by roll call vote. Adjourned: 3:27 p.m.

The next regular meeting is scheduled for Thursday, November 6, 2025.

Carmen Flynn
Human Resources Representative

PC: County Agencies
Barb McIntyre
Kristi Bauer
John Ward
Union Presidents

RULE 5 -APPLICATION AND EXAMINATION PROCESS- Application and Screening Process

5.1 Notices of Examinations Job Posting

- (a) Original appointment to the classified service shall be conducted on an open-competitive basis. ~~The and shall be open to all qualified applicants.~~ Human Resources Director shall give public notice of all ~~original appointment examinations and shall~~ job postings and make every reasonable effort to attract qualified ~~persons to compete in the examinations. For those classes in which there is expected to be a~~ ~~considerable and recurring need for eligibles, the Human Resources Director~~ candidates. The postings shall ~~establish a~~ ~~continuous recruitment program which shall be both positive and continuous. Under such programs, applications may be accepted at any time, and examinations held whenever and wherever the Human Resources Director deems it desirable for the service. Notice of examination shall be posted and shall be distributed through such media as the Human Resources Director may determine best suited to the dissemination of information to qualified applicants for the positions in question. The public notice examination shall specify: the title and salary of the class of position; typical~~ include the ~~duties to be performed; the~~ ~~minimum qualifications required;~~ and ~~att~~ any other pertinent information ~~and requirements. The public notice shall include the statement "an Equal Opportunity Employer." In the event a sufficient number of qualified applicants has not made application for an examination, the Human Resources Director may postpone, with the concurrence of the Department Head affected thereby, the last filing date of examinations.~~
- (b) ~~Examinations may be limited to probationary and status employees in the classified service or within a single department where the Human Resources Director, after consultation with the Department Head concerned, determines that there are a sufficient~~

number of qualified candidates within the classified service to provide competition. The Human Resources Director shall make distribution and post notice of such examination. This

notice shall specify that information set forth in Rule 5.1(a):

5.2 Minimum Qualifications for Filing

Open-competitive examinations shall be open to all applicants, shall be prepared by or obtained under the direction of the Human Resources Director, and shall include present standards or requirements regarding training, experience, . Classified positions shall generally be posted for a minimum age, physical condition,

and such other factors as may be held to relate to the ability of the candidate to perform with

reasonable efficiency the duties of the position. Any applicant or present employee taking a

written entrance examination for any position with the County and who fails to make a passing grade is eligible to retake the examination after six (6) months following the original date of taking the written examination.

5.3 Filing Applications (Revised 10/10)

(a) All applications shall be made on forms provided by the Human Resources

Director and must be filed with the Human Resources Director on or prior to the closing date

specified in the announcement. For those classes for which there is to be continuous

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recruitment, a statement shall be included in the announcement to the effect that applications

will be received until further notice. Such applications may require information concerning education, experience, references, and other pertinent information. All applications shall be

~~signed, and the truth of the statements contained therein certified by such signatures.~~

~~Applicants must meet the minimum qualifications specified in announcements as to training~~

~~and experience, of one (1) calendar week but in no case shall admittance to the examination constitute assurance of a~~

~~passing grade in the evaluation of training and experience if the same is a part of the examination.~~

~~(b) It shall be the responsibility of applicants to notify the Human Resources~~

~~Department in writing of any change in address or other change affecting availability for employment. However, the Human Resources Director may use any methods to determine at~~

~~any time the availability of applicants.~~

5.4 Disqualification of Applicants

~~The Human Resources Director may refuse to certify an eligible on a list, remove a name may be shorter depending on the circumstances and approval from an eligible list or consult with the Department Head in taking steps to remove such Human Resources. Postings may be extended but not closed earlier than the original closing date.~~

~~person already appointed if:~~

~~((b) Internal posting may be open to a) It is found that the person does not meet any one of the preliminary requirements~~

~~established for the examination for the class certain group of positions:~~

~~(b) The person is proven to be addicted to the continuous, or a specific division or Agency wherever it is in the best interest of the County as jointly determined by the Agency Head and habitual use of~~

~~controlled substances or intoxicating liquors without evidence of rehabilitation that is satisfactory to the Human Resources Director and the Department Head:~~

~~(c) The person has made a false statement of material fact in the application process:~~

~~(d) The person has used or attempted to use political pressure or bribery to secure an designee.~~

~~advantage in the examination.~~

~~(e) The person has directly or indirectly obtained information regarding the examination to which, as an applicant, he or she was not entitled.~~

~~(f) The person has failed to submit an application correctly or within the prescribed time limits.~~

~~(g) The person has taken part in the compilation, administration, or correction of the examination for which he is an applicant.~~

~~(h) The person has previously been dismissed from a position in the County service for cause or has resigned while charges for dismissal for cause were pending.~~

~~(i) The person has been convicted of a felony or misdemeanor relating to the responsibility of his position.~~

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~~(j) The person has otherwise willfully violated the provisions of these Rules or the Departmental Rules previously approved by the 5.2 Applications~~

~~(a) Applications must be received by Human Resources Director.~~

~~(k) The person is not sixteen (16) years of age or older. Exceptions on recommendation of the Department Head may be made for certain part-time, temporary, or~~

~~seasonal positions to a minimum of fourteen (14) years of age.~~

~~(l) The person has established an unsatisfactory employment or personnel record as evidenced by reference check of such nature as to demonstrate unsuitability for employment.~~

~~(m) Or for such other reasons considered by the Human Resources Director that employment of such individual would be detrimental to the best interests of the County.~~

5.5 Character of Examinations

~~(a) Examinations prior to the closing date in the job posting. If used, application questions shall be practical in nature and job-related, constructed to reveal~~

~~the capacity of the candidate for the particular class of positions for which he is competing, position and shall be rated impartially. Examinations may be assembled or unassembled, and may~~

~~include written, oral, physical or performable tests, or any combination of these objectively. They may~~

~~take into consideration such factors as education, aptitude, knowledge, character, personality, licenses, certifications, experience, or other specialized job requirements.~~

~~or (b) Applicants are expected to notify Human Resources, or Hiring Agency, in writing of any changes that may affect their availability for employment.~~

~~(c) Human Resources will make all reasonable efforts to maintain candidate confidentiality.~~

5.3 Creation of Hiring Requisition

~~To fill one (1) or more vacancies with an open-competitive process, the Hiring Agency shall submit a request to Human Resources.~~

5.4 Applicant Ineligibility

~~Human Resources may remove an applicant from consideration in the selection process if any of the following conditions apply:~~

~~(a) The applicant does not meet one or more of the minimum qualifications established in the classification;:-~~

~~(b) The applicant does not satisfy pre-employment requirements including passing a drug and alcohol screening, or meeting the physical fitness requirements of the position;:-~~

~~(c) The applicant provides inaccurate or misleading information during the hiring process;:-~~

~~(d) The applicant has engaged in activities that compromise the fairness or integrity of the hiring process such as attempting to use political influence or bribery;:-~~

~~(e) The applicant has obtained selection materials or information they were not authorized to access or possess;:-~~

~~(f) The application was not submitted correctly or within the designated timeframe;:-~~

~~(g) The applicant is currently not eligible for rehire;:-~~

~~(h) The applicant's background investigation indicates concerns that affect suitability for employment;:-~~

~~(i) The applicant is under sixteen (16) years of age. Exceptions may be made for part-time, temporary or seasonal roles for individuals at least fourteen (14) years of age, on the recommendation of the Agency Head;:-~~

~~(j) Reference or previous employment history established an unsatisfactory record unsuitable for County employment;:-~~

~~(k) The applicant does not respond to an interview request within two (2) business days, or fails to appear for a scheduled interview without reasonable notice; or~~

~~(l) The applicant has been interviewed three (3) times and has not been selected; or~~

~~(m) Any other valid concern as determined by physical and/or medical examination or any other Human Resources that does not align with the best interest of the County.~~

~~qualifications or attributes which in the judgment of the Human Resources Director enter into~~

~~the determination of the relative fitness of applicants.~~

~~(b) For positions involving unskilled labor, attendant or custodial work, when the character or conditions of employment make it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed above, the Human Resources Director may adopt or authorize the use of such other procedures as he determines to be appropriate in order to meet the needs of the service while assuring the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms, and techniques as the Human Resources Director may require.~~

5.6 Rating Examinations

~~(a) In any examination, the minimum rating or standing through which eligibility on a list may be earned shall be determined by the Human Resources Director. Such final rating~~

~~shall be based upon a weighted average of the various parts of the total examination. 5.5 Scoring Applications~~

All

applicants for the same ~~class of position~~ job classification posting shall ~~be accorded uniform~~ receive fair and equal treatment ~~in all~~

~~phases~~ throughout every stage of the ~~rating procedure~~ hiring process. A minimum passing score may apply ~~to the rating of in~~ any part of the hiring process.

~~of the examination. Candidates may be required to attain at least a minimum score on each~~

~~part of the examination in order to receive a passing grade or to be rated on the remaining~~

parts of the examination.

(b) When the rating of training and experience forms a part or all of the examination, the Human Resources Director shall determine a procedure for the evaluation of the training

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and experience qualifications of the applicants. The formula used in appraisal shall give due

regard to quantity of experience and the pertinency of the training.

(c) Prior to certification to the eligible list, the Human Resources Director may conduct such investigations of the candidates' education record and work history as is deemed necessary.

5.7 Seniority Credit (Revised 8/05)

~~To~~One (1) point for each year of continuous County service shall be added up to a maximum of [ten \(10\) points](#) to the total rating score on a promotional evaluation, ~~1 point for each year of continuous County service shall be added.~~

5.8 ~~Veteran's~~ Veterans' Preference

~~The~~Human Resources shall grant veterans' preference in accordance with local, state, and federal regulations.

5.8 Notice of Hiring Results

Each applicant will receive notice of their status as soon as reasonably possible upon the conclusion of the hiring process.

5.9 Eligible Candidate Lists

(a) Human Resources ~~Director shall grant veteran's preference to all applicants who are otherwise eligible for County employment and who request such preference on their applications. In order to receive preference, the veteran must submit a copy of his discharge papers and, for disability credit, proof from the United States Veterans' Administration that the disability is at least ten (10) percent. To the passing score of veteran candidates, ten (10) points shall be added to a disabled veteran and five (5) to all other veterans.~~

~~5.9 Notice of Examination Results~~

~~Each competitor shall be notified of his final status as soon as the rating of the examination has been completed and the eligible list established. Eligibles shall be entitled to information concerning their relative position on the list upon request and presentation of proper identification.~~

~~5.10 Appeal from Examination Rating~~

~~(a) An applicant, who is a status employee and who has taken an examination may appeal to the Human Resources Director for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly. If dissatisfied with the review, a request may be filed with the Personnel Policy Board for an opinion.~~

~~(b) Any applicant, other than a status employee, who has taken an examination may appeal to the Human Resources Director for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly.~~

~~5.11 Adjustment of Errors~~

~~Candidates may review the results of their examination and any documents related to their examination process, during the ten (10) working day period after receipt of their examination results. A clerical error in the rating of an examination, if called to attention of the Human Resources Director within the ten (10) working days after receipt by the applicant~~

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~~of the notice of examination results, shall be corrected by the Human Resources Director; provided, however, that such correction shall not invalidate any certification and appointment previously made. If a certification has been made on which the applicant would have been included had there been no error, his name should be included on the certificate providing a selection from the certificate has not been made, or on the next certification regardless of rank.~~

~~5.12 Application and Examination Records~~

~~(a) The Human Resources Director shall be responsible for the maintenance of all~~

~~records pertinent to the examination process.~~

~~(b) The application and examining materials of all applicants shall remain on file for a period of at least two (2) years and may, at the direction of the Human Resources Director be destroyed at the end of two (2) years or in accordance with federal guidelines.~~

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~~RULE 6—ELIGIBLE LISTS~~

~~6.1 Maintenance of Eligible Lists~~

~~The Human Resources Director shall be responsible for the establishment and maintenance of appropriate eligible lists for all positions in the classified service.~~

~~6.2 Request for Certification of Eligibles~~

~~(a) To fill a vacancy by an open competitive examination, the Department Head shall submit a request for certification to the Human Resources Director upon forms prescribed by him. The requisition may be for one (1) or more positions within a class. The Department Head shall make such request as far in advance as possible of the date the employee is to begin work.~~

~~(b) The life of a certification from which an appointment can be made shall normally be sixty days from the date of issue and may be extended or reduced at the discretion of the Human Resources Director.~~

~~6.3 Open Competitive Eligible Lists~~

~~After each open competitive examination, the Human Resources Director shall certify and submit in writing to the Department Head a list of persons who are best qualified and eligible for the position. Certification of eligibles for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates.~~

~~6.4 Use of Related Eligible Lists~~

~~If a vacancy exists in a class of positions for which there is no appropriate eligible list, the Human Resources Director may~~[shall](#) ~~prepare an eligible list for the class from one or more~~

existing ~~related~~ eligible lists. ~~The Human Resources Director shall select eligible lists from similar classes~~ for which the minimum qualifications are comparable to or higher than those required for the class in which the vacancy exists.

~~required for the class in which the vacancy exists. The (b) Human Resources Director may, if appropriate, re-rate training and experience on the basis of the minimum qualifications required for the class in which the vacancy exists.~~

6.5 Selection of New Employees (Revised 10/10)

~~(a) In making appointments from the open-competitive list, the Department Head shall select from the certified list of eligibles, exclusive of the names of those persons:~~

~~(1) provide an applicant, who decline appointment or request that they not be considered for appointment;~~

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~~(2) is a status employee and who fail has applied to a job posting taken an examination, the ability to appeal to reply within a specified period of the written request of the~~

~~Department Head for an interview, or fail to appear for an interview which they have arranged with the Department Head;~~

~~(3) who accept an appointment and fail to present themselves for duty at the time and place agreed to without giving reasons for the delay satisfactory to the Department~~

~~Head; or~~

~~(4) to whom the Department Head offers an objection in writing based on Rule 5.4, or 6.10, and which objection is sustained by the Human Resources Director;~~

~~(b) The certified eligible list may have ten (10) names of eligibles if available, in the case of one (1) vacancy with two (2) additional names for each additional vacancy, plus the names of all individuals who have the same whole number ranking as the individual ranking lowest on the certificate.~~

~~(c) The final selection by the Department Head shall be reported to the Human Resources Director. At the same time, the Department Head shall indicate the disposition of~~

~~the other names listed and shall forward to the Human Resources Director for permanent record evidence of the nonavailability of for a review of their rating in any eligible passed over for that reason.~~

~~(d) If, in the exercise of his choice, the Department Head passes over the name of an eligible on a list in connection with two (2) separate appointments which he has made from the lists, written request may be made of the Human Resources Director that the name of part of such eligible be omitted from any subsequent certifications from the same list to the same examination application scoring, within ten (10) business days after receipt of their application results, -to assure that uniform rating procedures have been applied equally and fairly. Human Resources shall provide a response within thirty (30) business days.~~

~~Department Head. If the Human Resources Director sustains such request, the name of such~~

~~eligible shall thereafter not be certified to that Department Head from that list for other vacancies in that class of positions.~~

6.65.10 Recall List

~~Any~~~~(a) A status~~ employee ~~with status~~ who has been laid off shall be entitled to ~~have his name be~~ placed

on a recall list for ~~a period up to one (1) year for~~ the class of position from which ~~they were~~ laid off, provided ~~he~~~~they request~~ so ~~requests~~ in writing.

~~writing.~~~~(b)~~ The order in which ~~such names~~individuals are arranged on each recall list shall be determined

by the Human Resources Director, who shall give consideration to qualifications ~~and~~

performance appraisals, conduct, and seniority in service. ~~Eligibility to remain on the recall~~

~~list shall expire one (1) year from the effective date of the layoff or separation. Whenever~~ ~~(c)~~
When a

~~request~~requisition is received ~~for certification from the open-competitive list, the~~ Human Resources

~~Director~~ shall, if a recall list exists for that class of positions, ~~certify~~provide only the ~~names of the~~

~~persons available individuals on such the recall list for consideration. The Department Agency Head may shall make his their selection from any of the individuals provided by Human Resources off the recall list provided by Human Resources.~~

~~names certified from (d) If no individual on the recall list:~~

6.7 Promotion List

~~Competitive promotional examinations may accepts, the position will be limited opened according to these Rules.~~

RULE 6 – Agency Hiring Process

6.1 Hiring Criteria

~~(a single department) Agency Head, or held on~~

~~a County-wide basis designee, is responsible for common classes which are developing hiring criteria, in more than one department. After each~~

~~competitive promotional examination held in accordance consultation with Rule 9, the Human Resources, prior to beginning their hiring process.~~

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Director shall prepare a list of persons meeting minimum requirements. All fractional scores

shall be rounded off to the nearest whole number. Certification of eligibles for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates, but which also

permits selective certification under appropriate conditions within the Rules.

6.8 Temporary List

Whenever the services to be rendered by an appointee are for a temporary period not to exceed one (1) year, the Human Resources Director shall certify only the names of those eligibles who have indicated their availability for temporary service who meet the necessary

qualifications.

6.9 Duration of Eligible Lists

~~(a)~~ (b) Hiring criteria may take into consideration the needs of the Agency, position qualifications and the candidate's skills, abilities, aptitude, knowledge, and character, among any other pertinent factors consistent with the best interests of the Agency.

6.2 Selection Process

(a) Hiring ~~a~~Agency shall document all hiring activity.

(b) Agency Head, or designee, should notify Human Resources prior to extending an offer of employment with ~~the Lancaster~~ County for all classified positions to ensure offer terms and conditions align with these Rules and the Human Resources Policy Bulletins.

6.3 Hiring Record Retention

(a) ~~The H~~Hiring ~~A~~Agency shall return all hiring process documentation to Human Resources.

An eligible list shall last for one (1) year. This period may be reduced or

(b) ~~extended by the~~ Human Resources ~~Director~~ when it is deemed to be in the best interest of the County.

~~County. However, in no case~~ The application and selection materials of all applicants shall the name of an eligible remain on any list ~~file~~ for a period

(c) ~~greater than two~~ of at least five (5) years; ~~and will no longer be retained after five (5) years or of in accordance with~~ in accordance with local, state, and federal regulations ~~federal guidelines.~~

6.4 Hiring Review Process

An ~~eligible~~ list for those classes requiring continuous recruitment and

~~examination shall last indefinitely, unless terminated by the~~ internal applicant may submit a request to Human Resources ~~Director~~. The

~~name of an eligible shall not remain on a continuous recruitment list for a class longer than one (1) year from the date of its entry on the list.~~

(c) ~~When an eligible list becomes so depleted that the preparation of usable certificates for imminent vacancies of the class is impractical, the eligible list will be considered exhausted. The eligible list to review any hiring process in which has become exhausted shall be considered~~

~~expired upon the administration of a superseding examination and the establishment of an eligible list on the basis of that examination.~~

6.10 Removal of Names from the Eligible Lists

(a) ~~The~~ they participated within ten (10) business days after receipt of their hiring process results. Human Resources ~~Director may remove the name of an eligible from a list.~~

~~(1) For any of the causes stipulated in Rule 5.4;~~

~~(2) Upon evidence that the eligible cannot be located by telephone, postal authorities, or if the eligible has failed to respond by a specified deadline to a letter of inquiry regarding availability for appointment;~~

~~(3) Upon receipt of a statement from the eligible stating that he no longer desires consideration for a position in that class;~~

~~(4) If an eligible has received probationary appointment to a position of another class for which the grade is the same or greater than that of the class for which he has been certified.~~

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~~(5) Declination of an appointment under such conditions as an eligible previously had indicated he would accept.~~

~~(6) Consideration for a probationary appointment from one list by three different department heads or three times by one department head~~will shall examine the hiring process to determine that consistent evaluation procedures were applied equally and not appointed fairly. Human Resources shall provide a response within thirty (30) business days. -

~~(7) Failure to report for duty within the times prescribed by the department head.~~

~~(8) Expiration of the term of eligibility on the eligible list.~~

~~(9) In the case of promotion lists, upon termination of County service.~~

~~(b) Whenever an eligible's name is removed from a list for reasons cited in 6.10 (a) of this Rule, the Human Resources Director shall notify the eligible of this action. The Human Resources Director shall assure that all applicants are treated equitably.~~

~~(c) An eligible whose name has been removed from a list for any of the reasons specified in Rule 6.10(a) may appeal to the Human Resources Director for reconsideration.~~

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RULE 7 - TYPES OF APPOINTMENT

7.1 Filling of Vacancies

~~With the exception of recall, all vacancies in the classified service which are not filled by transfer, promotion or demotion shall be filled by probationary, emergency, temporary, seasonal or on-call appointment.~~

7.2 Probationary Appointment

The original appointment of ~~an applicant~~ a candidate to a position in the classified service ~~through certification in accordance with Rule 7 from an open-competitive list~~ shall constitute probationary appointment.
~~probationary appointment.~~

7.32 Emergency Appointment

In the event of an emergency, The temporary appointment of an employee to a position by reason because of a governmental emergency
; as declared by the County Board, the temporary appointment of an employee may be made without regard to the ~~examination~~ hiring requirements of these Rules. ~~An emergency appointment may not exceed thirty (30) working days in duration and is nonrenewable, and shall be reported to the Human Resources Director prior to payment of the payroll.~~

7.43 Temporary Appointment

~~Appointments for temporary employment may be made as is necessary to carry on the government's business. The Human Resources Director may authorize the temporary appointment of any qualified individual to be designated by the Department Head. The length of (a temporary appointment shall not) Temporary appointments may be made as needed to conduct government business but may not exceed twelve (12) consecutive months. The acceptance or refusal by an eligible of Accepting or declining a temporary appointment shall does not affect his standing an individual's status on any eligible list.~~
~~eligible list. In the event that a (b) If a temporary employee accepts is later hired into a probationary appointment after~~

through an open-competitive process, their official hire date will be the effective date of ~~such that~~ probationary appointment ~~shall~~.

constitute the employee's date of hire in the classified service and shall not be retroactive.
An

employee under a temporary appointment (c) Temporary employees may be dismissed at any time
by the appointing authority

without the right to a review ~~of any kind.~~

7.54 Seasonal Appointment (Revised 03/13)

~~Appointment to a position which, although temporary in nature, coincides with a~~

~~particular season or~~ (a) A seasonal appointment is made for positions that align with specific seasons
of the year and is limited to a maximum of six (6) months in a calendar year. These appointments may
recur regularly from year to year. Names of annually.

~~those persons appointed to a seasonal position~~ (b) Seasonal employees may be ~~placed on a~~
~~reemployment list to be~~

~~considered for the following season. An employee under a seasonal appointment may be~~
~~dismissed~~ at any time by the appointing authority without the right to a review.

7.5 On-call Appointment

(a) An on-call (contingent) appointment may be made to support an Agency on an as-needed basis, where
work is intermittent, irregular, or project-based. On-call employees do not have an ongoing guaranteed
schedule and are engaged only when operational needs arise.

(b) If an on-call employee is later hired into a probationary appointment through an open-competitive
selection process, their official hire date will be the effective date of that probationary appointment.

(c) On-call employees may be dismissed at any time by the appointing authority without the right to a
review ~~of any kind.~~

7.6 On-call Appointment (Revised 04/14)

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~~(a) Appointment of an employee on an irregular or occasional basis may be made as~~
~~necessary through certification in accordance with Rule 6 from an open-competitive list. If~~
~~an~~

~~on-call employee, after an open-competitive process, subsequently accepts a~~
~~probationary~~

~~appointment, the effective date of such~~ (d) A former probationary appointment shall
constitute the

~~employee's date of hire in the classified service and shall not be retroactive. An or permanent~~
employee

~~under an on-call appointment may be dismissed by the appointing authority without the~~
~~right~~

~~to a review of any kind.~~

~~(b) If a previously certified probationary or status employee leaves their position in~~

~~who separated in~~ good standing, ~~they~~ may be re-~~hired~~engaged as an on-call employee in the same
classification without

~~an~~undergoing a new open-competitive selection process. ~~The employee must be re-hired as an on-~~
~~call employee within~~

~~thirty (30) calendar days from their termination in the same class. Any employee re-hired~~

~~after, provided they are reappointed within~~ thirty (30) calendar days ~~from of their separation date.~~
Reappointments beyond the employee's termination datethirty (30)-day period will require
~~an~~participation in a new open-competitive selection process.

7.7 Appointment of Disadvantaged Persons

~~In order to facilitate employment of disadvantaged persons, the Human Resources~~

~~Director with the approval of the Board may designate "aide" or similar classes for which~~
~~competition may be limited to such individuals.~~

7.87.6 Noncompetitive Appointment

~~The Human Resources Director may designate one or more classes, the duties of which~~

~~are mainly unskilled labor in character, which identify specific positions shall that can~~ be filled
~~by through a~~ noncompetitive

~~appointments. The appointment process. Agency Heads may request assistance from Human~~
~~Resources Director shall to~~ establish appropriate hiring standards for ~~recruitment and these~~
appointments.

~~selection for noncompetitive positions which shall be as similar to competitive procedure~~
~~as~~

~~is practicable.~~

RULE 8 - PROBATIONARY PERIOD

8.1 Nature, Duration, and Purpose (Revised 9/14)

All new hires shall be required to serve an original probationary or working test period of six (6) months from the date of hire. Correctional Officers and Juvenile Detention Officers shall be required to serve a twelve (12) month probationary period. This probationary period

is an essential continuation of the examination process and shall be utilized for the most effective evaluation of new employees and for the termination of any employee whose performance or conduct does not meet acceptable standards. As defined herein, probationary

employees are not afforded the same rights, benefits and privileges afforded to status employees. A probationary employee may be separated at any time during the probationary period for any non-discriminatory reason.

8.2 Conditions Preliminary to Status (Revised 06/22)

(a) When an employee successfully completes their probationary period, the Department Head will communicate to Human Resources that the employee is eligible to be given status. The employee's salary will advance to the next higher step in the pay grade for their class. The increase in pay shall be effective the beginning of the pay period after the date of satisfactory completion of the probationary period. The employee's new eligibility date will be one year from the effective date of obtaining status. Upon successful completion

of probation, a position description and performance evaluation of the employee will be completed and become part of the employee's personnel file.

(b) An employee who is promoted during the employee's initial probationary period will serve the remainder of their probationary period in the new classification. The employee's rate of pay will advance in accordance with Rule 9.1 (d). The employee is not

eligible to receive a pay increase at the completion of the initial probationary period. Upon successfully completing the promotion probation period, the employee will become a status

employee and the employee's rate of pay will advance one step. The employee's new eligibility date will be one year from their current eligibility date.

(c) An employee who is in a class that is allocated to a higher pay grade during the employee's initial probationary period will serve the remainder of their probationary period in the higher pay grade. The employee's rate of pay due to the higher pay grade will advance in accordance with Rule 17.7. The employee is not eligible to receive a pay increase at the completion of their initial probationary period. Upon successful completion of probation, the

employee's new eligibility date will be one year from the current eligibility date.

(d) A probationary employee who is reallocated to a position in a newly created class with a higher pay grade will serve the remainder of their probationary period in the new

classification in accordance with Rule 8.2 (a).

8.3 Separation During the Probationary Period (Revised 2/15)

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Employees may be separated at any time during the probationary period if the Department Head determines that the services of the employee have been unsatisfactory. The

Department Head shall notify the employee in writing of the date the separation is effective and the reason(s) for the separation. A copy of the notice of separation shall be provided to the Human Resources Director at least ten (10) working days prior to the expiration of the employee's probationary period. Employees who are separated while on probation have no right to a hearing or appeal.

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RULE 9 - PROMOTION, TRANSFER AND DEMOTION

9.1 Promotion ~~(Revised 03/24)~~

(a) A promotion occurs when an employee moves from a position with a lower pay grade to one with a higher pay grade. Promotions can occur within the same Agency or across different Agencies.

(b) Vacancies shall be filled by promotion whenever practicable and in the best interest of the County, and preference may be given to employees within the Agency in which the vacancy occurs.

(c) Human Resources will administer an open-competitive selection process for vacant promotional opportunities, open to all qualified County employees. A list of eligible candidates will be created per Rule 5.9.

(d) Factors considered for promotion are the needs of the Agency, position qualifications and the candidate's skills, abilities, aptitude, knowledge, character, job performance, and seniority, among any other pertinent factors consistent with the best interests of the Agency. (a) Promotions shall also give appropriate consideration to examinations open-competitive selection processes administered by Human Resources and to the employee's record of performance, seniority, and conduct. Vacancies in the classified service shall be filled by promotion whenever

practical, practicable and in the best interest of the service. Promotions shall be based upon merit and

shall be made in accordance with, and preference may be given to employees within the department in which the procedures established in these Rules vacancy occurs.

(b) A promotion is the filling of a vacancy by the advancement of occurs when an employee moves from

a position having with a lower pay grade to a position having one with a higher pay grade. An employee

may be promoted to a position within their agency or to a position in another agency.

Appropriate consideration will be given to the Promotions can occur within the same Agency or across different Agencies. Factors considered for promotion are the needs of the Agency, position qualifications, performance appraisals,

conduct, and seniority of applicants for promotion.

(c) In filling a vacancy by promotion, and the candidate's skills, abilities, aptitude, knowledge, character, job performance, and seniority.

(e) Human Resources Director shall

will administer a competitive examination which shall be exam for vacant promotional opportunities, open to all qualified County employees. A list of the County eligible candidates will be created per Rule 5.9.

who meet the necessary requirements and who are serving in an appropriate class as determined by the Human Resources Director. A promotional examination may include employees in specific classes in all agencies or may be limited to a single agency as determined by the Human Resources Director. The Human Resources Director shall prepare

an eligible list as provided in Rule 6.7 and shall supply the Agency Head with the names of all persons in accordance with a formula which limits selection by the hiring agency from among the highest ranking available and eligible candidates.

(cd) In the event of a Upon promotion, the Agency Head will recommend to the Human Resources Director that the employee's rate of pay be increased at least to that step in the new

pay grade next above the an employee's rate of pay pay will increase to at least the step above their pay rate prior to promotion: in the new pay grade. For example, if an employee in pay grade A18 at step six (6), earning \$25.88 per hour is promoted to pay grade G13, they would move to step three (3) at \$26.73 per hour, rather than to step seven (7) on the G13 pay grade.

(fe) ~~No~~ All promotions require the employee ~~shall be given~~ to complete a minimum of a six (6)-month promotion probation period.

(gf) At the successful completion of the established probationary period, the Agency Head will certify to Human Resources that the employee's performance has been satisfactory, and the employee's rate of pay shall advance one step, unless the employee receives a reallocation or pay grade change during the promotion probationary period. The employee's new eligibility date will be one (1) year from the date of qualifying for status in a promotional position until.

(hg) If the employee

~~shall have~~ fails to satisfactorily ~~completed a qualifying for status period of six (6) months duration:~~

~~During such qualifying period, perform~~ the employee may be removed from such duties of the new position by the

Agency Head when, induring the judgment of the Agency Head, the employee has not demonstrated

fitness for the position. If an employee fails to successfully complete the qualifying for status

probationary period, ~~the employee they~~ shall be returned to a position comparable to that held immediately

prior to ~~the promotion~~.

~~The employee's eligibility date will be the same eligibility date as prior to the employee's promotion. The employee will be placed at the step and pay grade the employee would have~~

~~been at~~ current salary of such position. If no such position is available, a position shall be vacated or created as needed. The employee's^{ss} pay and step placement will be adjusted as though the promotion had ~~the employee not been promoted~~ occurred, including any step ~~increase that~~ increases they would have

~~occurred. However, the employee will not receive~~ received, but without retroactive pay ~~for any step increase that~~ .

~~would have occurred during the qualifying for status period since, during that period, the employee had already experienced an increase in pay due to the promotion.~~

~~(f) At the successful conclusion of the established qualifying for status period, the~~

~~Agency Head will certify to the Human Resources Director that the employee's performance~~

~~has been satisfactory and the employee's rate of pay shall advance one step, unless the~~

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~~employee received a reallocation or pay grade change during the promotion probationary period. The employee's new eligibility date will be one year from the date of qualifying for status.~~

9.2 Transfer

(a) ~~A Department~~ An Agency Head may transfer an employee ~~from a position of a class to another position of~~ within the same ~~class within his organizational unit.~~

~~(b) Two (2) Department Heads may transfer an employee from a position of a class~~ job classification to another position in their Agency.

~~(b) Two (2) Agency Heads may agree to transfer an employee between Agencies within the same class between their respective organizational units upon~~

~~mutual agreement, including job classification provided the employees; employee agrees and with a report to the~~ Human Resources is notified.

Director.

(c) ~~The~~ A transfer ~~of an employee from a position of a class to a position of another related class of~~ does not change the same employee's pay grade may be made by a Department Head or Department

Heads, if two units are involved, subject to the prior approval of the Human Resources Director and only if the classes involved are so related that the experience in, and entrance qualification requirements of one class, are such as to qualify the employee in a reasonable

manner for the other class. If the transfer is made between Department Heads, the employee

must also consent to the transfer.

(d) ~~The rate of pay for a transferred employee shall remain the same as before the transfer, and the employee shall retain the same or~~ eligibility date.

9.3 Demotion (Revised 11/01)

(a) A demotion is ~~moving when~~ a status employee is reassigned to a position ~~having with~~ a lower pay grade.

(b) A ~~status employee demotion~~ may ~~be demoted for~~ occur due to a lack of work in ~~his class, the employee's current job classification~~ or for cause ~~and~~

~~in case of the latter, only after the employee has been presented with the reasons for such demotion in writing, and has been allowed at least fifteen (15) working days to reply thereto in writing or, upon request, to appear personally or with counsel and reply to the Department~~

~~Head. A copy of the statement of reasons and the reply shall be filed with the Human Resources Director. An employee with status may appeal his demotion for cause in~~ in accordance with Rule ~~12:11.~~

(c) ~~If, for personal or other reasons, an~~ An employee ~~requests~~ may request a voluntary demotion to a lower classification in writing ~~that he be~~

~~assigned to a position of a lower class, to the Department~~Agency Head ~~may make such. The~~
~~Agency Head may grant the employee's~~^{ss} ~~request if a demotion~~

~~provided an opening~~vacancy exists. ~~In such cases, the demotion will be deemed to have~~
~~been made~~

~~on a voluntary basis, from which there shall be no~~ Voluntary demotions are not subject to appeal,
and ~~a report~~written documentation shall be ~~made in~~

~~writingsubmitted~~ to ~~the~~ Human Resources ~~Director.~~

(d) Except in ~~the case~~cases of a reduction-in-force, ~~whenever an employee is demoted to a~~
~~position for which he is qualified, he shall receive a~~ the pay rate in the lower salary grade
which

~~results in at least a one (1) step decrease in pay if the action is not for cause, or any~~
~~appropriate rate in the salary grade if the action is for cause as determined~~will be set by the
Department

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~~Agency~~ Head, ~~and approved by the~~ with Human Resources ~~Director~~approval. The ~~employee's~~ new
eligibility date

will be one (1) year from the demotion's effective date ~~of demotion.~~

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Date: October 2025—

Reference:	Title:
Drug-Free Workplace Act of 1988 - 41 USC 701 Human Resources Policy Bulletin 2015-2 Employee Assistance Program Supersedes: Personnel Policy Bulletin 97-22015-3	<u>Workplace Drug and Substance Use-Free</u> Workplace Act Policy

I. OBJECTIVE/PURPOSE

~~It is the objective of Lancaster County~~ is committed to maintaining a productive, safe, and healthy work environment ~~drug-free workplace for employees~~ all individuals and ensuring compliance with applicable federal and state drug-free workplace laws. This policy outlines the standards and expectations for substance use, drug testing, and procedures for addressing violations.

II. ELIGIBILITY SCOPE OF PROBLEM

This policy applies to all County employees and volunteers.

~~The use of illegal drugs and unauthorized controlled substances is a nationwide problem that takes a tremendous toll on individuals and their families. It has been estimated that approximately 10% of American workers regularly use cocaine, marijuana, heroin or some other illegal drug. Use of illegal drugs has been shown to lead to severe health problems, emotional disorders, financial hardships and the break-up of families.~~

~~The use of illegal drugs and unauthorized controlled substances by employees jeopardizes the safety and health of themselves, their co-workers and the public that rely on our services. Illegal drug use also results in decreased productivity and quality and increased medical expenses, absenteeism, tardiness, accidents and turnover.~~

~~It is the responsibility of the County to maintain a productive work force in a safe work environment and to preserve the quality of services provided by the County.~~

III. DEFINITIONS POLICIES ON POSSESSION OR USE OF ILLEGAL DRUGS

- A. Medical Marijuana: Marijuana prescribed or recommended in writing by a licensed health care practitioner for a medical condition and used in compliance as outlined by state of Nebraska or federal law and in compliance with its intended purpose and physician instructions.
- B. Restricted Substance: Any substance that may impair an individual's ability to perform job duties safely and effectively, including but not limited to illegal drugs, alcohol, and controlled substances, and over the counter or

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prescription medication, as well as medical marijuana, used in a manner inconsistent with its intended purpose or prescribed dosage or that may impair an individual's ability to perform job duties safely and effectively.

C. Safety-Sensitive Position: A position that involves responsibilities where impaired performance could result in significant risk to the safety of the individual, coworkers, volunteers, or the public. These positions include but are not limited to positions involving operation of vehicles, heavy machinery, law enforcement, firefighting, direct supervision of individuals in custody, direct supervision of minors or vulnerable adults, or positions regulated by federal safety standards, such as those governed by the Department of Transportation (DOT).

IV. POLICY PROVISIONS

A. Prohibited Conduct:

1. The use, possession, sale, manufacture, or dispensation of restricted substances is strictly prohibited on County property, during work hours, while performing work related duties, or while operating County vehicles or equipment, regardless of location.
2. Employees are prohibited from reporting to work impaired by any restricted substance that may affect their ability to perform their job safely and effectively.
3. Employees are expected to follow all physician, manufacturer, or package insert directions when taking a prescription or over-the-counter drug.
4. Employees in safety-sensitive positions are held to a higher standard due to the nature of their responsibilities, which often involve direct interaction with the public, maintaining security, and operating County-owned equipment and vehicles. As such, employees in these positions are strictly prohibited from testing positive for THC (tetrahydrocannabinol, the principal psychoactive constituent of cannabis) at any level, regardless of whether it is for medical or recreational use or in accordance with state or federal laws.

B. Confidentiality:

1. All drug testing results, and related medical information will be kept confidential and stored securely, shared only with those with a legitimate business or legal need to know.

C. Drug Testing:

1. Testing will be conducted for:
 - a. Pre-employment screenings for safety-sensitive positions.
 - b. Random testing for CDL holders in compliance with federal regulations.

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- c. Reasonable suspicion testing for any restricted substance, when a supervisor has evidence that an employee may be impaired, including but not limited to odor, appearance, behavior, or speech.
 - d. Post-incident and follow-up testing.
 - 2. Precautions shall be taken to ensure that the specimen is not adulterated, substituted, or diluted during the collection procedure and that the information on the sample collection container matches the information of the employee.
 - a. Submitting an adulterated or substituted sample may be considered a refusal to test.
 - b. A dilute sample may be considered a negative test or require a retest.
 - i. If a retest is required, the County may require another collection under observation.
 - c. A dilute sample may be considered a positive test if there is a sufficient amount of restricted substance(s) to yield a positive result. An employee who submits a dilute sample will be given one opportunity for a re-test that must be completed within a specified time frame. If the second sample is also reported as dilute, or if the employee does not re-test within the specified time frame shall be considered a refusal to test.

D. Medical Review Officer (MRO):

- 1. A Medical Review Officer (MRO) shall be the sole custodian of test results and will advise the County of whether the test results were negative or positive.
- 2. Employees with a valid prescription for a restricted substance or written recommendation for medical marijuana per Nebraska state law must disclose this information to the MRO. Failure to provide valid medical documentation is a violation of this policy.

E. Controlled Substance Violation:

- 1. Violations of this policy, including refusal to participate in testing, or a positive test, may result in disciplinary actions up to and including termination in accordance with County policies and applicable laws.
- 2. The County reserves the right to remove individuals in violation from duty immediately pending investigation.

F. Employee Assistance Program (EAP):

- 1. The County encourages employees to proactively seek help for substance abuse issues and offers an Employee Assistance Program (EAP) to provide counseling, resources, and referrals for those dealing with

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- substance issues.
- 2. Employees may be referred to the EAP as a condition of continued employment following a violation of this policy.
- 3. Participation in the EAP is confidential and will not be disclosed to the County without the employee's consent, except as required by law.
- 4. The act of seeking treatment alone through an accredited substance abuse program is not subject to disciplinary action.

V. PROCEDURES

A. Acknowledgement:

Employees are required to acknowledge this policy in one of the following ways:

- 1. Review the policy and sign a paper acknowledgment of understanding.
 - a. Paper acknowledgments must be sent to Human Resources for retention.
- 2. Complete the online *Drug and Alcohol Use in the Workplace* training and sign the electronic policy acknowledgment, which will be automatically received by Human Resources.

B. Reporting Requirements:

- 1. Employees must notify Human Resources in writing of any criminal drug statute charge or conviction within seven (7) calendar days.
- 2. Supervisors who observe signs of impairment must immediately notify Human Resources and follow established testing protocols.

C. Accommodations:

- 1. The Human Resources Department will engage in an interactive process to determine reasonable accommodations, if appropriate, for employees using restricted substances in accordance with state and federal laws.
- 2. Accommodations will not include permission for an employee to be impaired while working or violate state or federal laws.

The County reserves the right to interpret, enforce, or modify this policy.

EMPLOYEE ASSISTANCE PROGRAM

~~The County recognizes drug and alcohol use may affect job performance and is a major health and potential safety problem. Therefore, the County provides channels of help for personal problems; however, it is the employee's responsibility to seek and accept help. Employees needing help in dealing with such problems are encouraged to voluntarily use the Employee Assistance Program. To the extent possible, conscientious efforts to seek such help will not jeopardize an employee's job,~~

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~~provided the employee accepts the help, becomes rehabilitated and job performance meets expected levels.~~

~~Supervisors and employees can access the Employee Assistance Program in accordance with Human Resources Policy Bulletin 2015-2.~~

REQUIREMENTS OF EMPLOYEES

~~In accordance with the provision of the Drug-Free Workplace Act of 1988, employees are required as a condition of employment to agree to:~~

- ~~1) — Abide by the terms of the County's drug-free workplace policies.~~
- ~~2) — Advise the employer within five (5) days of any criminal drug statute conviction for a violation that occurred on County premises or in the course of conducting County business.~~

REQUIREMENTS FOR THE EMPLOYER

~~In accordance with the provision of the Drug-Free Workplace Act of 1988, employers are required to:~~

- ~~1) — Establish a drug-free awareness program to inform employees about:
 - ~~a) — the dangers of drug abuse in the workplace;~~
 - ~~b) — the policy of maintaining a drug-free workplace;~~
 - ~~c) — available drug counseling, rehabilitation and employee assistance programs;~~
 - ~~d) — penalties that may be imposed upon employees for drug abuse violations.~~~~
- ~~2) — The Drug-Free Workplace Awareness Program is found on the Human Resources Intranet forms file for administration.
 - ~~a) — Upon completion of the training program, the employee shall sign a receipt acknowledging the policy, and forward the form to the Human Resources department.~~
 - ~~b) — All new employees shall read the Drug-Free Workplace Act Policy bulletin and sign the receipt acknowledging the policy and forward the form to the Human Resources department.~~~~
- ~~3) — Provide a copy of the policy to each employee engaged in the performance of a federal contract.~~
- ~~4) — Notify the employee engaged in the performance of a federal contract that as a condition of employment, the employee will abide by the terms of the policy.~~
- ~~5) — Notify the contracting agency within 10 days after receiving notice of any criminal drug statute conviction occurring in the workplace.~~
- ~~6) — Impose a sanction on or requiring the satisfactory participation in a drug-abuse assistance or rehabilitation program by any employee who is convicted of a criminal drug statute occurring in the workplace.~~
- ~~7) — Make a good faith effort to continue to maintain a drug free workplace.~~

SANCTIONS

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~~Each contract awarded by a Federal Agency shall be subject to suspension, termination or debarment in accordance with the requirements of the Drug-Free Workplace Act of 1988 if it is determined that:~~

- ~~1) The County has made a false certification.~~
- ~~2) The County violates the certification by failing to carry out the requirements.~~
- ~~3) Such a number of employees of the County have been convicted of violations of criminal drug statutes for violations in the workplace as to indicate that the County has failed to make a good faith effort to provide a drug-free workplace.~~

Barb McIntyre Date
Human Resources Director

Rick Vest, Chair Date
Board of County Commissioners

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Workplace Drug and Substance Use Policy Acknowledgment

I acknowledge that I have read and understand the Workplace Drug and Substance Use Policy. I agree to comply with its terms as a condition of my employment.

I further acknowledge that I can view a copy of this policy on the following web site:
<https://lms.traliant.com/>

Employee name: _____

Signature: _____

Date: _____

Please forward completed forms to Human Resources Department

R E C E I P T

FOR

**~~CITY OF LINCOLN/LANCASTER COUNTY DRUG FREE-
WORKPLACE ACT~~**

~~In accordance with the Drug Free Workplace Act of 1988—41 USC 701, I hereby
acknowledge that the City of Lincoln/Lancaster County has a Drug Free
Workplace Act Policy.~~

~~I further acknowledge that I can view a copy of this policy on the following web site.~~

~~<http://www.lincoln.ne.gov/city/person/city/PPB/DrugFree>~~

~~Act2015.pdf or~~

~~<http://www.lincoln.ne.gov/city/person/city/PPB/ppbdfwa.pdf>~~

~~I understand and acknowledge that failure to comply with this policy may result in
disciplinary action up to and including termination.~~

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Print Name

Signature

____~~XXX-XX~~____ Last 4 Digits of Social Security Number Department

Date

**~~Please forward completed form to the Human Resources
Department~~**

Gary J. Nedved
Paul J. Peter
Jefferson Downing
Gary L. Young
Joel D. Nelson

Joel Bacon
Thomas P. McCarty
Tara L. Gardner-Williams
Brenna M. Grasz

Adam W. Kauffman
Courtney R. Faller
Tindra C. Norris
Erik W. Fern

OF COUNSEL:

Anne E. Winner
Doug Peterson

EMERITUS:

Con M. Keating

October 14, 2025

VIA EMAIL

Barbara McIntyre
Lincoln-Lancaster County Human Resources Director
555 South 10th Street
Lincoln, Nebraska 68508
bmintyre@lincoln.ne.gov

RE: TERMINATION APPEAL OF Benjamin Rowe AND FOP #32

Dear Ms. McIntyre,

This firm represents Fraternal Order of Police, Lodge #32 and Corrections Officer Benjamin Rowe ("Grievants"). On October 13, 2025, Lancaster County Department of Corrections Director Brad Johnson issued Officer Benjamin Rowe a letter terminating his employment. A true and correct copy of the termination letter is attached hereto as Exhibit A.

Pursuant to Article 8, Section 2 of the bargaining agreement between Lancaster County and FOP #32 and Lancaster County Personnel Rule 11.2(e), Grievants Benjamin Rowe and FOP #32 hereby give notice of their appeal of the termination to the Personnel Policy Board, for the reason that the termination of Officer Rowe is: not supported by just cause; is not progressive; and is arbitrary and capricious; Grievants request that Officer Rowe be reinstated with full back pay, including compensation for the value of fringe benefits and lost leave.

Given that this case involves the termination of an employee, Grievants respectfully request that this appeal be given priority over other cases and all other HR business at the next possible meeting of the Personnel Policy Board.

Sincerely,

Keating, O'Gara, Nedved & Peter, PC, LLO

PHYSICAL ADDRESS: 200 South 21st Street, Suite 400 • Lincoln, NE 68510

MAIL ADDRESS: P.O. Box 82248 • Lincoln, NE 68501-2248

PHONE: 402.475.8230 • TOLL FREE: 888.234.0621

FAX: 402.475.8328 • www.keatinglaw.com

/s/Thomas P. McCarty
Thomas P. McCarty
FOR THE FIRM

Attorneys for Grievants

cc: Director Brad Johnson; Deputy Lancaster County Attorney John Ward

Keating, O'Gara, Nedved & Peter, PC, LLO

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Lancaster County

Department of Corrections

3801 West O Street
Lincoln, NE 68528
(402) 441-1900
Fax: 441-8946

Brad Johnson, Director

October 13, 2025

Benjamin Rowe
12140 West Van Dorn
Denton, NE 6839

EXHIBIT
A

RE: Termination

Dear Officer Rowe:

On September 19, 2025, you received a letter proposing termination. On October 2, 2025, you, Tom McCarty, and Dan Goodman met with me to discuss the proposed termination. During the meeting you presented information concerning the alleged violations.

After consideration of the facts before me and the information you presented, I have determined that the mitigating factors you introduced do not justify the following policy violations. Therefore, I have decided to terminate your employment with Lancaster County Department of Corrections pursuant to Lancaster County Personnel Rule 11.2(e) and Article 30, Section 4 of the 2024-2026 Bargaining Agreement between Fraternal Order of Police Lodge #32 and the County of Lancaster, effective immediately.

This termination is based upon violations of Lancaster County Department of Corrections Policies and Lancaster County Personnel Rules. It appears you have violated one or more of the following Personnel Rules and department policies:

1. Lancaster County Personnel Rule 11.2 (h)(4), "The employee has engaged in any conduct unbecoming an officer or employee of the County which reflects on the County adversely."; and
2. Lancaster County Personnel Rule 11.2 (h)(5), "The employee has violated any Agency, division, or institution regulation or order..."; and
3. Lancaster County Personnel Rule 11.2 (h)(8), "The employee has been ineffective or deficient in the performance of the duties of their position."; and
4. Lancaster County Department of Corrections Policy 2.7 (B)(1), "Employees are expected to conduct themselves at all times, both on and off duty, in a professional manner that shall reflect favorably on the Department and county. Conduct unbecoming shall include any act that discredits the Department, the employee as a member of the Department, or is otherwise detrimental to the operations of the Department."; and
5. Lancaster County Department of Corrections Policy 2.7 (B)(13), "Employees shall not neglect any required duty as outlined in their job description and shall abide by all department policies, post orders and similar legitimate job requirements."; and
6. Lancaster County Department of Corrections Policy 2.7 (B)(8), "Employees shall make full, accurate and truthful reports, both written and verbal. Employees shall not falsify, alter or remove department records."; and
7. Lancaster County Department of Corrections Infirmary Post Order (II) (D) "The Infirmary Officer will observe inmates on behavioral health, suicide and physical health observations and the checks will be documented"; and
8. Lancaster County Department of Corrections Infirmary Post Order (II) (F) "The Infirmary Officer is responsible for entry of all activities attended or declined in the Programs Screen of the Inmate Management System."; and
9. Lancaster County Department of Corrections Procedure (6)(H)(1)(I) "Safety and security checks will be documented by scanning the RFID buttons located in each dorm, cell, and other area with the PDA scanners. Checks for inmates on an observation status may require additional documentation, as indicated in procedures 12A1 thru 12A5 and the applicable Post Order."; and

10. Lancaster County Department of Corrections Procedure (6)(H)(1)(J) "If the PDA is not functioning, the officer will complete the following: (a) A supervisor will be notified of the malfunction..."

The facts that have been reported to me are as follows:

On August 20, 2025, you were assigned to the Infirmary post. A review of department records and security video revealed the following issues:

Throughout most of your shift that day, you had four (with one brief period when there were only three) inmates under your supervision who were on Suicide Observation (S/O). Due to the high-risk nature of these inmates, policy requires that they be physically observed every 10 minutes to ensure that they're not engaging in self-harming behaviors. These checks are to be documented. A review of video and your documented rounds shows that you often failed to make timely checks.

During the first half of your shift, from 0700 to 1040 hrs. (shortly before your meal break), policy would mandate that you complete 22 documented rounds on these inmates. However, as an example, records show that the inmate lodged in cell #12 on S/O was only checked on five times, and the legitimacy of at least one of those checks is highly questionable (see below). There were at least two instances when you didn't make any checks on this inmate for an hour or more. The situation was very similar with the other S/O inmates.

The remaining inmates in the Infirmary were either on Behavior Observation (B/O) or Medical Observation (M/O). Policy requires that these inmates be checked every 20 minutes to ensure their well-being, and those checks are to be documented. Again, you often failed to meet this requirement. There were multiple late rounds, including several lengthy gaps, similar to those inmates on S/O mentioned above.

Between 0837 hours and 0914 hours, you made 29 manual entries in the Portal (i.e., those made on a desktop computer rather than conducting an actual scan at the inmate's cell door) documenting safety and security checks in the Infirmary. These entries include an associated observation about what the inmate was doing at the time. It's possible that the earliest 12 or so entries were intended to document a round which you started at approximately 0834 hours. It appears on video that you are having difficulties with your PDA at that time.

However, after that round was completed, you returned to the officer's workstation and remained there from 0850 hrs. to 1000 hrs. Records show that you subsequently made additional manual entries for rounds around 0900 hrs. and 0911 hrs. Video shows that you did not actually conduct these checks. During the time in question, you never left the area of the officer's workstation. These checks, along with the associated observations, are clearly fraudulent.

At around 1222 hrs. you began another round of checks where it appeared that you were once again having difficulty with your PDA. Later, you made manual entries in the Portal showing checks from 1225 hours to 1227 hours.

A short time later, you reported the issues with the PDA to one of the sergeants. This was approximately four hours after you made your first manual entry and when, presumably, you first encountered problems with your PDA. When the sergeant tested the PDA, it performed normally.

During the course of your shift in the Infirmary on August 20th you had two inmates who were in cells (#10 and #12) which did not have access to water. As a result, both cells had water logs posted on which officers are to document the times when staff are offering or giving access to water. The logs are important in showing that we're providing a vital life-sustaining need to these inmates.

On the log for cell #10 you made log entries at 0800, 1200 and 1401 hrs. that read "1 cup". The log for cell #12 has entries of "1 cup" at 0800, 1200 and 1340 hrs. This appears to mean that you provided one cup of water to each of these inmates at the times indicated. These instances of providing water are not found on the video. In fact, you were not even present in the Infirmary at 1200 hrs. You returned (late) from your break at 1211 hrs. This is another instance where it appears you provided fraudulent documentation.

On August 31, 2025, you were observed by a supervisor to be sleeping in a training class. Your sleeping was identified by the supervisor due to your snoring; he reported that you were asleep for about one minute.

Recently, in July 2025, you were suspended for five working days for violation of Lancaster County Personnel Rules 11.2 (h)(4), 11.2 (h)(5) and 11.2 (h)(8), as well as Lancaster County Department of Corrections Policies 2.7 (B)(1) and 2.7 (B)(13).

Additionally, you received a written reprimand in March of 2025 for similar violations, and another written reprimand in October 2024 for being absent without available leave.

Please make arrangements with Sadie Emmett (402)-441-1908 for the return of County property issued to you.

You have the right to appeal this termination to the Lancaster County Personnel Board in accordance with Article 30, Section 4 of the Bargaining Agreement and Lancaster County Personnel Rule 11.2(e).

Sincerely,



Brad Johnson
Corrections Director

BJ/se

cc: Barb McIntyre, Human Resources Director
John Ward, Deputy County Attorney
Kari Hockemeier, Senior HR Business Partner
Ken Prey, Facility Administrator
Rick Gray, Facility Administrator
Maria Hatfield, Facility Administrator
David Caulfield, Lieutenant
Elisha Havick, Corrections Business Manager
Personnel File