

April 4, 2025

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Friday, April 11, 2025
10:00 a.m., Commissioners Hearing Room
County-City Building, Room 112

NOTE: Special
Date & Time

A G E N D A

ITEM 1: Approve Minutes from the March 6, 2025, meeting.

ITEM 2: Request to change the pay grade of the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>CURRENT PAY GRADE</u>	<u>PROPOSED PAY GRADE</u>
5763	Community Corrections Case Manager	C06(\$48,441.12 - \$62,046.40)	C08(\$51,985.44 - \$ 66,595.36)

ITEM 3: Public Comment

ITEM 4: Miscellaneous Discussion

ITEM 5: Request for appeal hearing - IBEW – Josh Bassen – Engineering – Suspension.

ITEM 6: Request for grievance hearing – IBEW - Clark Bednar – Engineering - Suspension.

ITEM 7: Request for appeal hearing – IBEW - Thu Nguyen – Property Management – Suspension.

pc: County Agencies
Union Presidents
Barb McIntyre
Angela Skrivan
Kari Hockemeier
Kristi Bauer
Josh Bassen
Clark Bednar
Thu Nguyen



01-00 HR DEPT
JUN 24 AM 9:03

OFFICIAL APPEAL

NAME OF EMPLOYEE: Josh Bassen

DEPARTMENT: Engineering

CLASSIFICATION: Equipment Operator II

WORK LOCATION: Malcolm shop

STATEMENT OF APPEAL:

List applicable appeal:

Article 3 of the CBA Section 2. ARTICLE 19 - DISCHARGE AND DISCIPLINE

Section 1. Management is encouraged to provide verbal coaching to employees prior to instituting formal discipline. Coaching is not considered discipline. However, if employee is provided written confirmation of coaching, such coaching may be cited as background information for formal pre-disciplinary meeting notices and disciplinary actions. Written confirmation can be accomplished by sending an email, or text message to the employee or by having the employee acknowledge receipt of a paper document.

Section 2. Disciplinary action shall consist of written reprimand, suspension, demotion and dismissal. The Department Head may discipline an employee for just cause and may utilize progressive discipline where appropriate, as determined by the Department Head. Just cause shall be defined as a cause which a reasonable employer, acting in good faith, would regard as good and sufficient reason for the level of discipline issued against the employee for the infraction that led to the disciplinary action, and the discipline was consistent with how other employees in similar situations were treated as distinguished from arbitrary whim or caprice. In informing an employee of proposed discipline, the County can refer to the Lancaster County Personnel Rules to set forth the basis for the proposed discipline.

Disposition of Grievance: On April 3, 2024, while performing routine grading duties Mr. Bassen backed into a tree causing damage to motor grader 331 to the amount of \$9,566.86. A pre-disciplinary meeting was held on April 23, 2024 proposing a one (1) day suspension. At that meeting Mr. Bassen shared that he has been incident free for almost all of his 28 years of employment and felt that a one day suspension was too severe. According to the CBA Article 19 section 1 states that management is encouraged to provide verbal coaching to employees prior to instituting formal discipline. Mr. Bassen stated he did not need a day of suspension to make him more aware of his surroundings, and that the coaching would be more than sufficient to serve as a reminder. Mr. Bassen also stated that Ms. Dingman was being inconsistent in her

discipline which is a violation of section 2 of the CBA, because other employees have done numerous types of damage and were not disciplined at all. On May 22, 2024 Mr. Bassen served a one day suspension.

Adjustment Required: Uphold the appeal and give Mr. Bassen his one day suspension back, and make him whole again.

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

Date: May 31, 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

Bednar Appeal



OFFICIAL APPEAL

NAME OF EMPLOYEE: Clark Bednar

DEPARTMENT: Engineering

CLASSIFICATION: Senior Equipment Operator

WORK LOCATION: Davey

STATEMENT OF APPEAL:

List applicable appeal: Article 19 section 2 of the CBA

Disposition of Appeal: On November 6, 2024 Mr. Bednar had a pre-disciplinary meeting for damage that had occurred on county equipment that Mr. Bednar was responsible for. On December 2, 2024 at 4:32 pm. An email was sent to Mr. Bednar listing his punishment as a one day suspension to happen on December 11, 2024. This email was sent after the 15 working day deadline according to the CBA.

According to Article 19, section 2 of the CBA it reads:

After the pre-disciplinary meeting , if disciplinary action is deemed warranted by the Department , the employee will be presented with disciplinary action in writing within fifteen (15) working days of said disciplinary meeting. The employee will receipt the same without implying agreement or admitting to the infraction.

Article 19, section 2 of the CBA also states that: The employee will receipt the same without implying agreement or admitting to the infraction. Mr Bednar was not presented with his disciplinary letter therefore was not able to sign off on it as required by the CBA.

Because this disciplinary letter was sent by email instead of it delivered in person, Mr. Bednar was not even aware that the letter had been delivered. As a result he actually came and worked on December 11, 2024. It wasn't discovered until sometime later that Mr. Bednar worked on December 11. So another disciplinary was sent with a new day of suspension which he did end up serving.

Adjustment Required: Give Mr.Bednar his suspension day back and make him whole again

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

Date: February 3, 2025

Signature of Union Representative: Rick DeBoer

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

ORIGINAL TO: Human Resource

COPY: LOCAL UNION APPEAL FILE

John Ward



Pamela L. Dingman, P.E.
County Engineer

444 Cherry Creek Road, Bldg. C
Lincoln, Nebraska 68528
Phone: 402-441-7681 Fax: 402-441-8692
Email: coeng@lancaster.ne.gov

January 17, 2025

Rick DeBoer
7225 Firth Rd.
Firth, NE 68358
IBEW1536County@gmail.com

RE: Grievance dated January 2, 2025

Dear Mr. DeBoer,

This letter will serve as a response to a grievance which was presented to me on January 2, 2025 via email, regarding alleged violations with respect to Article 19, Section 2.

Regarding the 15-working days requirement, Article 19, Section 2 of the Collective Bargaining Agreement provides, in relevant part:

“After the pre-disciplinary meeting, if disciplinary action is deemed warranted by the Department, the employee will be presented with the disciplinary action in writing within fifteen (15) working days after said disciplinary meeting.”

As stated in the grievance, the pre-disciplinary meeting occurred on November 6, 2024, and the email to Mr. Bednar was sent on December 2, 2024, at 4:32 pm. The term “working days” is not defined in Article 19. In Article 20 – Grievance and Appeal Procedure, “working days” is defined as “Monday through Friday, excluding Saturdays, Sundays and holidays.” for purposes of that Article.

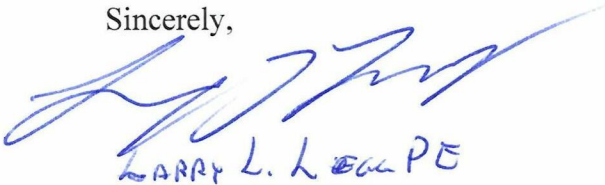
This is a commonly accepted definition, and it has been my practice to use this definition for computing working days under Article 19. Fifteen working days after November 6, 2024 was December 2, 2024, and there were three holidays (Veterans Day, Thanksgiving Day, and Day After Thanksgiving) between those dates.

The Collective Bargaining Agreement does not impose any time requirement on a particular working day (i.e., that notice be given by 5 pm) and does not involve looking at the working hours of any one employee to calculate when a working day ends.

Regarding the alleged violation that the discipline was inconsistent with how other employees in similar situations were treated as distinguished from arbitrary whim or caprice, the correct procedure to address this alleged violation is through an Appeal under Article 20, Section 2, and not as a Grievance under Article 20, Section 1.

For the foregoing reasons, I am denying the grievance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pamela L. Dingman', written over the printed name.

F.v. LARRY L. L. DINGMAN PE
Pamela L. Dingman, P.E.
Lancaster County Engineer



OFFICIAL APPEAL

NAME OF EMPLOYEE: Thu Nguyen

DEPARTMENT: Property Management

CLASSIFICATION: Building Cleaner

WORK LOCATION: County Health Department

STATEMENT OF APPEAL:

Disposition of Appeal: January 8, 2025: Deloris Ottersberg met with employees in the basement of the Health Department, between the elevators and the Animal Control office, to discuss the ongoing requirement for them to work together on an extra route during their shifts until a fourth person was replaced in the building. During the meeting, two employees, including Thu, expressed their frustration with not having time to complete their route and not being sent someone else to help them. Thu also mentioned that one of the co-workers wasn't helping with the fourth route, leaving even more work for the remaining two. Deloris became upset, telling them she didn't want to hear that they didn't have time, and they couldn't do it, that they just needed to do it. She pulled her name tag away from her shirt at least twice, threatening to quit and then left the building.

Initially two of the three co-workers (including Thu) had been accused of yelling. Two employees were contacted regarding the incident. Thu had never been contacted about the situation until she received the pre-disciplinary meeting letter.

January 14, 2025: Thu Nguyen received a pre-disciplinary letter for a meeting on January 22, 2025.

January 22, 2025: Thu attended the pre-disciplinary meeting. The meeting included a discussion of the accusations made in the pre-disciplinary letter. The accusations and discussions included:

"On January 8, 2025 Dee Ottersberg asked Thu via text to work with her co-workers to complete routes at the Health Department. Thu called Dee, and during their

conversation raised her voice. Later that day, Dee came to the Health Department and asked Thu to meet by the elevator. Thu initially responded, "I don't have time to talk," but eventually joined Dee and the team for a discussion."

Thu explained what actually happened. Deloris had texted her at 4:53 pm, saying, "Please come to the 1st floor by the elevator." At that time, Thu was in the middle of cleaning a toilet and hadn't looked at the message, so she didn't know who sent it or what it said. Three minutes later, at 4:56 pm, Deloris called Thu. Since she was still cleaning, Thu hit the auto-response, "Sorry, I can't talk right now." At 4:56 pm, Deloris then texted, "We are coming down, please come to the elevator." At 4:57 pm, Thu took a picture of the meeting. It took her about a minute to take off her gloves and join the meeting after Deloris's call.

The next accusation: "During the meeting, Thu was on her phone, and when asked to put it away, she refused. Thu raised her voice and took steps toward Dee. Dee attempted to walk away to de-escalate the situation, but Thu followed her outside, continuing to yell at Dee."

In the pre-disciplinary meeting, Thu explained that she was on her phone because she was trying to record the meeting. Because English is her second language, it helps if she can go back and listen to anything she didn't understand. She also wanted to prevent being accused of something she didn't do since it happened in the past.

During the meeting, it was acknowledged that the letter was inaccurate and should not have stated that Thu followed Dee outside while yelling. Instead, it should have said that Thu followed her to the elevator while yelling. Thu clarified that she never yelled at Deloris and that she did not follow her or take any steps toward her. Thu strongly insisted that the cameras be reviewed to verify that these events did not occur. Despite the availability of cameras, and despite being accused of violence, the request to review up to ten minutes of footage was denied. Thu repeatedly apologized, expressing regret if her frustration had been interpreted as yelling, though she was clear that it was never her intention, and she remained firm in stating that she was not yelling.

On January 27, 2025, Thu was given a one-day suspension. The accusations in the letter were summarized as follows: "On January 8, 2025, Thu attended a meeting with her co-workers and supervisor. During the meeting, Thu repeatedly used her phone. When asked to put it away, she briefly complied but then resumed using it. Thu yelled throughout the meeting, and at the end of the meeting, she took steps toward the supervisor while yelling. Witnesses corroborated this version of the events." The actions of Thu following Deloris out of the building while yelling, as well as Thu's

response that she didn't want to talk and her eventually joining the meeting were not included in the final accusations.

Following Thu's suspension, on January 30, 2025, another incident occurred between co-workers at the Health Department. Deloris had heard part of the conversation and had spoken to the two who had corroborated the January 6, 2025, incident. Thu was then repeatedly accused of things she did not do, including yelling and being threatening. Despite Thu's attempts to clarify the situation, she was interrupted with more false accusations.

Adjustment Required: Given the refusal to review the less than 10-minute January 8, 2025, camera footage from the Health Department and the recent incident involving Deloris Ottersberg, who made multiple false accusations against Thu after hearing most of the conflict and speaking with the two individuals involved in the current grievance, the following actions are requested:

1. Thu should be compensated for the day she was suspended on February 5, 2025.
2. All accusations related to the January 6, 2025, incident should be completely removed from any county records, including her personal employee file.
3. The incident should not be referenced or used against Thu in any future allegations or decisions, and it should not be a factor in excluding her from potential promotions or job opportunities with Lancaster County, should she apply.

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

Date: February 18, 2025

Signature of Union Representative: Jasmine Gibson

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

ORIGINAL TO: Human Resource
COPY: LOCAL UNION APPEAL FILE
John Ward