

March 13, 2023

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, March 16, 2023
1:30 p.m., Council Chambers
County-City Building

AGENDA

- ITEM 1: Approval of Minutes from the February 23, 2023 meeting.
- ITEM 2: Request to amend Lincoln Municipal Code - 2.76.040 – Definitions.
- ITEM 3: Request to amend Lincoln Municipal Code - 2.76.380 – Sick Leave with Pay
- ITEM 4: Request to amend Lincoln Municipal Code - 2.76.395 – Vacation Leave with Pay
- ITEM 5: Request to create Lincoln Municipal Code – 2.76.403 – Paid Parental Leave
- ITEM 6: Miscellaneous Discussion
- PC: City Clerk
Department Heads

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights, at 402-441-7624, or the City Ombudsman at 402-441-7511 as soon as possible before the scheduled meeting date in order to make your request.

2.76.040 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

Allocation shall mean the assignment of a position to a class on the basis of the kind, difficulty, and responsibility of work of the position.

Appointing authority shall mean the officer or any person having the power by virtue of the charter or other lawfully delegated authority to make appointment to positions in the city service.

Appointment shall mean the designation to a position in the classified service of a person who has qualified for the appointment through appropriate examination or determination of fitness.

Board shall mean Personnel Board.

Career service positions shall mean budgeted, full- and part-time positions in the classified service. Employees who occupy career service positions and have status are eligible for benefits.

Certification shall mean the act of the Human Resources Director in supplying an appointing authority with the names of applicants who are eligible, in accordance with the provisions of these rules, for appointment to a position for which certification is requested.

Charter shall mean the Home Rule Charter of the City of Lincoln.

Class or classification shall mean a position or group of positions that involve similar duties and responsibilities, require similar qualifications, and designated by a single title indicative of the kind of work.

Class specification shall mean the written description of a class including the title, statements of the duties and responsibilities, and the minimum requirements of education and experience appropriate upon entrance for satisfactory performance in a position of the class.

Demotion shall mean the movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

Department shall mean a major operating functional unit of the executive branch of the city government established in or pursuant to the charter.

Department head shall mean the officially appointed head of any department or their designee.

Director shall mean the Human Resources Director, or their designee.

Eligible shall mean a person whose name is on an active reemployment, promotion, or eligible list and who may, under these rules, be certified for appointment to a position in the classified service.

Eligible list shall mean a list of persons arranged in descending order of their ratings on examinations for classes of positions and to which they are qualified for appointment.

Excluded employee shall mean an employee who is not represented by a bargaining unit due to the confidential nature of work performed. Employees assigned to a pay range prefixed by the letter "E", "X", or "W" are considered to be "excluded".

Full-time employment shall mean employment in a position which does not normally require less than forty hours work per week.

Immediate family is defined to be spouse, child, parent, sibling or any other person under the employee's legal guardianship living in the same household. This includes family members by blood, marriage, adoption, foster or legal guardianship. husband, wife, child, father, mother, sister, brother, father-in-law, and mother-in-law.

Layoff shall mean the separation of an employee from the classified service which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

Leave of absence shall mean an approved period of time during which the employee is not physically present for work.

Non-career service positions shall mean a temporary, seasonal, intermittent, full- or part-time position in the unclassified service. The term of employment in these positions will either be of a specific duration of

time or for a specific purpose or on an as-needed basis. Remuneration for employees in this category will be limited to pay for time actually worked with no eligibility for other employee benefits, except for police trainees and fire trainees who shall be eligible to participate in the group health, vision, dental, Health Flexible Spending, Dependent Care Flexible Spending, Basic Life, and Employee, Spouse, Children Supplemental Life plans.

Original appointment shall mean appointment to a position in the city service of a person who is not a present employee of the city and who is not being reinstated from a reemployment list.

Overtime shall mean authorized time worked in excess of the individual's regular work day and/or regular work week, or at a time other than the normally scheduled work hours.

Part-time employment shall mean employment in a position which normally requires less than forty hours work per week.

Pay period shall mean payroll payments normally made to employees on a bi-weekly basis.

Performance test shall mean a test that measures the applicant's skill in performing a specified type of work by evaluating the actual performance of such work.

Personnel Department shall also mean the Human Resources Department.

Probationary employee shall mean an employee who has not completed his/her probationary period after original employment.

Probationary period shall mean a working test period during which an employee, newly appointed from a list, is required to demonstrate his/her fitness for a position to which said employee is appointed by actual performance of the duties of the position. The probationary period shall normally be six months.

Promotion shall mean the movement of an employee from a position of one class to a position of another class having a higher maximum salary rate for which a vacancy exists and is filled through a competitive process.

Promotion list shall mean a list of persons arranged in descending order of their final ratings on examinations for classes of positions for which they have competed in promotional examinations and to which they are qualified for appointment.

Promotional examination shall mean an examination for positions in a particular class, admission to which is limited to employees in the classified service who meet the qualifications set forth in the announcement of the examination.

Provisional appointment shall mean an appointment not to exceed ninety calendar days to a classified position pending the establishment of an appropriate list or the return of a classified employee from an extended leave of absence.

Reallocation shall mean the official determination of the Human Resources Director that a position be assigned to a class different from the one to which it was previously assigned.

Reemployment list shall mean a list of persons who have been but are no longer regular employees in a particular class and who are entitled to have their names certified for appointment to a position in that class without examination.

Regular employee shall mean an employee who has been appointed to a position in the classified service in accordance with these rules after successful completion of a probationary period.

Reprimand shall mean a formal written notice to an employee informing the employee of the specific manner in which the employee's conduct or work performance does not meet prescribed standards.

Seasonal employment shall mean appointment of persons whose employment is expected to be of a seasonal nature and when it is expected that the services of such persons will be no longer necessary at the close of the season for which they have been appointed.

Supervisor shall mean any person responsible to a superior for directing the work of others.

Temporary employment shall mean:

1. Employment in non-career service positions in the unclassified service, or

2. Employment in career service positions for a specific purpose and limited length of time not to exceed one year.

Transfer shall mean the movement of an employee from one position to another position of the same class or of another class having the same maximum salary rate involving the performance of similar duties and requiring essentially the same basic qualifications.

Unassembled examination shall mean an examination which does not require all candidates to assemble at the same place.

Vacancy shall mean a duly created position which is not occupied and for which funds have been provided.

Veteran shall mean a citizen of the United States who has been a member of the Armed Forces of the United States of America and in active service for more than ninety consecutive days in time of any war in which this country has been or shall hereafter be engaged; including the periods between April 6, 1917 and November 11, 1918; between December 7, 1941 and December 31, 1946; between June 25, 1950 and January 31, 1955; and between August 5, 1964 and May 7, 1975, (and any other legally designated periods), and who has been discharged or released therefrom under honorable conditions; provided, however, that attendance at a school under military orders, except schooling incident to an active enlistment or regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or national guard unit shall not be considered active service within the meaning of this definition; and provided, further, that any such citizen otherwise eligible, who was discharged or released under honorable conditions on account of service-connected injury or illness prior to completion of such ninety-day service shall nevertheless be deemed to be a veteran.

Work day or working day shall mean any one shift during which a department is open for business or on which an employee is scheduled work.

Work week shall mean the number of hours regularly scheduled to be worked during any seven consecutive days commencing on a Thursday and ending on the following Wednesday by an individual employee.

2.76.380 Sick Leave with Pay.

~~Subsections (a) through (ie)~~ This section shall apply to probationary and regular employees not represented by a bargaining unit.

a. Amount. ~~For Unrepresented employees, except as provided in paragraph b, with a pay range prefixed by "A", "C", "E", "F", "M", or "P", or "W", shall earn sick leave shall be earned by each employee~~ at the factored hourly equivalent of 3.69 hours per pay period, or 5.54 hours per pay period for an employee ~~with a pay range prefixed by "F" or "M"~~ who works a fifty-six hour work week. Earnings shall be computed only for those hours when an eligible employee is in a pay status, excluding overtime.

b. Amount. For employees with a pay range prefixed by "N" ~~or "X"~~, sick leave shall be earned ~~by each employee~~ at the factored hourly equivalent of ~~3.89~~¹⁰¹ hours per pay period~~year~~. Earnings shall be computed only for those hours when an eligible employee is in a pay status, excluding overtime.

c. When taken. Sick leave ~~may be requested~~~~will be paid only~~ when an employee is unable to perform work duties due to personal illness, medical care or to attend a personal medical appointment. Sick leave may be requested for an immediate family member's, as defined in Section 2.76.040, illness, medical care or to attend the employee's immediate family member's medical appointment. For employees with a pay range prefixed by "M" or "N", immediate family also includes grandparent and grandchild. ~~actual personal illness, noncompensable bodily injury, pregnancy, or disease, exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by attendance on duty, or to keep a medical or dental appointment and for no other reason. A sick leave pay account will be established and funds appropriated for that reason only. Sick leave with pay is intended to be paid on account of sickness rather than a continuation of salary.~~

Sick leave must be earned before it can be granted, and advancing sick leave is prohibited. An employee may utilize no more than his/her the employee's accrued balance of sick leave. When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall ~~cause the facts to be reported~~ provide information relating to the reason for the sick leave request to his/her the employee's department head in accordance with departmental rules and regulations. Such time off will be deducted from the employee's accrued sick leave balance.

Sick leave shall be earned and may be granted, ~~but not be granted~~, during the original probationary period occurring after original appointment. An employee must keep his/her their department head informed of his/her their condition. This shall be on a daily basis, unless waived by the department head or designated representative. An employee may be required by the Human Resources Director to submit a medical certificate~~certification~~ for any absence. Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay.

d. Accumulated sick leave. The accumulation of unused sick leave is unlimited.

e. Unused sick leave. Upon retirement, death or reduction in force, an employee with a pay range prefixed by "E", "M", "X" or "W" shall have sixty-five percent (65%) of his/her the

employee's accumulated sick leave balance paid into the employee's PEHP premium account. The rate of payment shall be based ~~upon~~ the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon resignation, a regular employee with a pay range prefixed by "E," "X" or "W" shall be paid thirty-five percent (35%) of the employee's accumulated sick leave. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee resigns.

Upon retirement, death or reduction in force, an employee with a pay range prefixed by "~~E~~", "~~N~~" ~~or "X"~~, or the employee's beneficiary, shall be paid fifty percent (50%) of ~~his/her the employee's~~ accumulated sick leave ~~balance paid into the employee's PEHP premium account.~~ ~~in accordance with the applicable terms of the City of Lincoln Human Resources Department policies.~~ The rate of payment shall be based ~~upon~~ the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon resignation, a regular employee with a pay range prefixed by "~~N~~" ~~or "X"~~ shall be paid thirty-three percent (33%) of ~~his/her the employee's~~ accumulated sick leave. The rate of payment shall be based ~~upon~~ the employee's regular hourly rate of pay at the time the employee resigns.

Upon retirement or death, an employee with a pay range prefixed by "A" or "C", or the employee's beneficiary, shall be paid thirty percent (30%) of the employee's accumulated unused sick leave in cash, and an additional thirty percent (30%) of the employee's accumulated unused sick leave into the employee's PEHP premium account. The rate of payment shall be based ~~upon~~ the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon reduction in force, an employee with a pay range prefixed by "A" or "C", shall be paid twenty-five percent (25%) of the employee's accumulated unused sick leave in cash, and an additional twenty-five percent (25%) of the employee's accumulated unused sick leave into the employee's PEHP premium account. The rate of payment shall be based ~~upon~~ the employee's regular hourly rate of pay at the time the employee is laid off.

Upon resignation, a regular employee with a pay range prefixed by an "A", ~~or "C"~~, ~~or "E"~~ shall be paid thirty-five (35%) of ~~his/her the employee's~~ accumulated sick leave in cash. The rate of payment shall be based ~~upon~~ the employee's regular hourly rate of pay at the time the employee resigns.

~~f.—An employee with a pay range prefixed by "A" or "C" may be granted time off for illness in the employee's immediate family as defined in Section 2.76.040. Immediate family will also include any other family member, whether it be by blood, marriage, legal adoption, or foster children, residing in the household. Family sick leave may also be granted to an employee who has been appointed by a court of competent jurisdiction as legal guardian of any person, with proper documentation. Such time off will be deducted from the employee's accumulated sick leave.—~~

~~g.—An employee with a pay range prefixed by "N" or "X" may be granted time off for illness in the employee's immediate family. For purposes of this subsection (g), the term immediate family shall include the employee's mother, father, sister, brother, husband, wife, child, foster~~

~~child, mother in law, father in law, daughter in law, son in law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the grandparent of the employee's spouse, or any other relative residing in the household. Family sick leave may also be granted to an employee who has been appointed by a court of competent jurisdiction as legal guardian of any person, with proper documentation. Such time off will be deducted from the employee's accumulated sick leave.~~

~~h.—An employee with a pay range prefixed by “E” may be granted time off for illness in the employee's immediate family. For purposes of this subsection (h), the term immediate family shall include the employee's mother, father, sister, brother, husband, wife, child, foster child, mother in law, father in law, daughter in law, son in law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the grandparent of the employee's spouse. Immediate family will also include any other family member, whether it be by blood, marriage, legal adoption, or foster children, residing in the household. Family sick leave may also be granted to an employee who has been appointed by a court of competent jurisdiction as legal guardian of any person, with proper documentation. Such time off will be deducted from the employee's accumulated sick leave.~~

~~i.—An employee with a pay range prefixed by “M” or “W” may be granted time off for illness in the employee's immediate family. For purposes of this subsection (i), the term immediate family shall include the employee's mother, father, sister, brother, husband, wife, child, foster child, mother in law, father in law, daughter in law, son in law, stepmother, stepfather, stepchild, step grandchild, grandparent, grandchild, and the grandparent of the employee's spouse. Immediate family will also include any other family member, whether it be by blood, marriage, legal adoption, or foster children, residing in the household. Family sick leave may also be granted to an employee who has been appointed by a court of competent jurisdiction as legal guardian of any person, with proper documentation. Such time off will be deducted from the employee's accumulated sick leave.~~

2.76.395 Vacation Leave with Pay.

This section shall apply to probationary and regular employees not represented by a bargaining unit.

- a. Amount. Each employee with a pay range prefixed by "A", "C", ~~or "E"~~ or "X" shall earn vacation leave credit annually as follows:

After original appointment - at the factored hourly equivalent of 88 hours per year.

After five years of service - at the factored hourly equivalent of 120 hours per year.

After ten years of service - at the factored hourly equivalent of 136 hours per year.

After twelve years of service - at the factored hourly equivalent of 148 hours per year.

After fifteen years of service - at the factored hourly equivalent of 168 hours per year.

After twenty years of service - at the factored hourly equivalent of 195 hours per year.

After twenty-five years of service - at the factored hourly equivalent of 200 hours per year.

~~The department head may require that vacation leave be taken not less than one hour at a time.~~

Vacation leave credit shall not accrue during a leave of absence without pay.

- b. Each employee with a pay range prefixed by "N" ~~or "X"~~ shall earn vacation leave credit annually as follows:

After original appointment - at the factored hourly equivalent of 80 hours per year.

After five years of service - at the factored hourly equivalent of 116 hours per year.

After ten years of service - at the factored hourly equivalent of 130 hours per year.

After twelve years of service - at the factored hourly equivalent of 148 hours per year.

After fifteen years of service - at the factored hourly equivalent of 160 hours per year.

After twenty years of service - at the factored hourly equivalent of 196 hours per year.

After twenty-five years of service - at the factored hourly equivalent of 200 hours per year.

~~The department head may require that vacation leave be taken not less than one day at a time.~~

Vacation leave credit shall not accrue during a leave of absence without pay.

- c. Each employee with a pay range prefixed by "M" or "W" shall earn vacation leave credit as follows:

After original appointment - at the factored hourly equivalent of ~~one hundred sixty~~ one hundred sixty (~~160~~) hours per year.

After twenty years of service - at the factored hourly equivalent of ~~two hundred~~ two hundred (~~200~~) hours per year.

Any employee in a pay range prefixed by "M" or "W" may use vacation during their probationary period upon approval by their supervisor.

Vacation leave credit shall not accrue during a leave of absence without pay.

d. For all probationary employees, vacation leave shall not be granted during the first six months of employment, with the exception of employees in a pay range prefixed by "P". Each department head shall keep records on vacation leave credit and use and shall schedule vacation leave with particular regard to the seniority of employees, to accord with operating requirements, and insofar as possible, with requests of employees.

~~d.e. Employees may request vacation leave up to the amount of the employee's available accrued balance, but may not exceed the employee's accrued balance, upon approval of their manager. Employee leave requests that would result in a negative leave balance will not be approved.~~

e.f. Accumulated leave. An employee may accumulate vacation leave to a maximum of eighty hours over and above the employee's maximum annual earning rate, for employees with a pay range prefixed by "A", "C", "E", "X", "M", or "W".

g. For an employee with a pay range prefixed by "N" or "X", an employee may accumulate leave to a maximum as follows:

Completed Years of Service	Maximum Accumulated Leave
0-5 years	162 hours
6 - 10 years	206 hours
11 - 12 years	220 hours
13 - 15 years	238 hours
16 - 20 years	250 hours
21 - 25 years	286 hours
26 years and up	290 hours

~~f.h.~~ Vacation payout. Any employee who separates from the city service shall be compensated for vacation leave accrued and accumulated to the date of separation. The vacation payout shall occur with the pay date for the pay period in which the separation date occurs. ~~check immediately following separation.~~ In the event the separation is the result of retirement, as defined by the applicable retirement plan, an employee may elect to utilize **vacation** until all accrued vacation has been exhausted.

~~g.i.~~ Vacation Buyout~~Waiving vacation.~~ ~~For the purpose of maintaining necessary personnel on duty to accomplish city work, a department head, with approval of the Mayor, may waive accumulated vacation leave in excess of eighty hours. Waived vacation will be paid to the employee at the employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the department's budget for salaries. When necessary, due to workload requirements, employees may request a vacation buyout of unused accrued vacation time no more than twice per calendar year. Such requests are subject to the approval of the department head and the Human Resources Director provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's current base rate of pay. Employees must maintain a minimum of eighty hours available in their vacation balance after payment of the requested buyout hours. Payment shall be made the next available paydate~~ pay date following the completed approvals.

~~h.i.~~ Vacation bank payout. For employees maintaining a vacation bank, ~~excluding ranges prefixed by "B" or "F",~~ the employee may request to sell all or part of their bank at ~~the first full pay period in July each year~~ any time. Such request for payment shall be made in writing and approved by the employee's department head and the ~~Mayor~~ Human Resources Director, provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's usual-current base rate of pay ~~as of the last January 1.~~ Payment shall be made the next available paydate following the completed approvals.

2.76.403 Paid Parental Leave

Full-time and Part-time probationary and regular unrepresented employees are eligible to receive up to six weeks or 240 hours of paid parental leave following the birth of an employee's child/children or starting the placement of a child/children with an employee through adoption or foster care. Part-time or alternate scheduled employees will receive prorated leave hours based on their regularly scheduled work week.

Approved paid parental leave may be taken at any time during the 12-month period immediately following the birth, starting the adoption, or foster care placement of a child/children with the employee. Paid parental leave must be exhausted before an employee may utilize sick leave, vacation leave or Personal Convenience Holidays or other paid leave for the birth, adoption, or placement of a child/children with the employee.

Paid Parental Leave runs concurrent with the Family and Medical Leave Act (FMLA) and City Protected Family leave, as applicable.