

January 27, 2023

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, February 2, 2023
1:30 p.m., Commissioners Hearing Room
County-City Building, Room 112

A G E N D A

Item 1: Approval of Minutes from the January 13, 2023 meeting.

Item 2: Request to create the following classifications:

CLASS

<u>CODE</u>	<u>CLASS TITLE</u>	<u>PAY GRADE</u>
7895	Quality Assurance Coordinator	C13 (\$56,817.28 – \$72,779.20)

Item 3: Request to revise the following classification:

CLASS

<u>CODE</u>	<u>CLASS TITLE</u>	
5756	Corrections Sergeant	(C19)

Item 4: Request to change the pay grade of the following classification:

<u>CLASS</u>		<u>CURRENT</u>	<u>NEW</u>
<u>CODE</u>	<u>CLASS TITLE</u>	<u>PAY GRADE</u>	<u>PAY GRADE</u>
7870	Juvenile Detention Supervisor	C11 (\$52,942.24 – \$67,803.84)	C12 (\$54,843.36- \$70,247.84)

Item 5: Request for appeal hearing IBEW-G - Justin Plugge - Suspension - Engineering.

Item 6: Request for appeal hearing IBEW-G - Rick Phillips - Suspension - Engineering.

Item 7: Miscellaneous Discussion

pc: Kristy Bauer
Steven Wesley
Sara Hoyle
Pamela Dingman
Rick Deboer
Ashley Bohnet
Justin Plugge
Rick Phillips
Brad Johnson

LANCASTER COUNTY QUALITY ASSURANCE COORDINATOR

NATURE OF WORK

This is advanced human services work responsible for collecting and ensuring data is accurate, overseeing program components to ensure fidelity to models, providing research and analytical reports as well as advanced human services work providing direct services to youth and families in Lancaster County.

Work involves responsibility for gathering and reviewing data; creating and producing performance related reports; and familiarity with program operations and databases. This position will be required to have a light diversion caseload to ensure familiarity of program components. Work also involves participating in community groups and/or advisory councils. Supervision is received from an administrative superior with work being reviewed in the form of reports, conferences and effectiveness of program services provided.

EXAMPLES OF WORK PERFORMED

Develop detailed reports and analysis summarizing department activity and performance by utilizing data analysis software; assist with grant reports; review reporting for accuracy and update as necessary.

Compile statistics and maintain records on client program participation; maintain confidential client records and case files.

Provide reporting system training to new employees and the department as needed.

Communicate and promote the importance of ongoing quality assurance efforts with justice and school officials.

Collaborate with employees on the principles of quality and the value of meeting/exceeding quality standards; compiles, reviews and analyzes performance measurement data/reports and provides reports in a timely professional manner.

Conduct surveys and other data gathering methods and the review of individual client records to assess/ensure compliance with internal policies, procedures and standards of care.

Identify opportunities for improvement through a variety of activities and communicates such opportunities with appropriate administrators.

Experiment with a wide range of existing technologies while applying new and emerging options that can enhance organizational outcomes.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Thorough knowledge of Microsoft Office products, including Excel and Word processing.

Knowledge of data analysis, data integrity, and data analytics.

Knowledge of youth programs and services within the community available to youth and families.

Knowledge of grant management.

Knowledge of evidence-based practices as it applies to effective case management for youth.

Ability to extract, analyze, and compile necessary data into reports.

Ability to organize tasks and establish priorities in response to changing conditions and in emergencies.

Ability to establish and maintain effective working relationships with co-workers, youth and families, and community-based agencies.

Ability to communicate effectively both orally and in writing including facilitating meetings and delivering presentations and reports.

Ability to maintain confidentiality.

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major coursework in research methods, statistics, psychology, criminal justice, or related field plus two years of experience providing services or case management; or any equivalent combination of training and experience that provides the desirable knowledge, abilities, and skills.

LANCASTER COUNTY CORRECTIONS SERGEANT

NATURE OF WORK

This is direct contact supervisory work in a correctional facility responsible for the supervision of subordinate personnel and ensuring the security and safety of incarcerated individuals.

Work involves supervising subordinate Correctional Officers as assigned, enforcing facility rules and regulations, managing inmate behavior and supervising various inmate activities and programs. Work also involves intake and release processing of inmates, ensuring adherence to applicable laws, court orders, regulations and departmental policies; and responding to emergency situations, taking remedial action and supporting first-response staff. Supervision is received from Corrections Lieutenant with work reviewed in the form of conferences and day-to-day operational effectiveness. Supervision may be exercised over Correctional Officers.

EXAMPLES OF WORK PERFORMED

Supervise and evaluate Correctional Officers in the performance of their duties as assigned; enforce facility rules and regulations; manage inmate behavior and supervise various inmate activities and programs; escort inmates to scheduled medical or legal appointments; provide field training for Correctional Officers; respond to emergency situations taking remedial action and supporting first-response staff; schedule staff to cover shift position vacancies and assign subordinate staff to facility posts.

Oversee intake and release processing of inmates ensuring adherence to applicable laws, court orders, regulations and departmental policies; communicate with the inmate population answering questions, complaints and requests for assistance; inspect inmate living areas and related areas to ensure standards of sanitation and security are maintained; conduct minor disciplinary hearings for inmates.

Monitor required documentation of activities during shift supervised; review investigative reports for completeness and accuracy.

Ensure all emergency equipment is in proper working order.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of correctional facility operations.

Knowledge of departmental policies, procedures and post orders.

Knowledge of the criminal justice system.

Some knowledge of Nebraska Jail Standards.

Some knowledge of behavioral and psychological issues, minority cultures and religions, group dynamics and stress management pertaining to inmates in a correctional facility.

Some knowledge of managerial principles and practices as they pertain to the correctional system.

Ability to effectively manage inmate behavior in various custody environments.

Ability to communicate effectively both orally and in writing.

Ability to use basic word processing and applicable correctional computer software applications and equipment.

Ability to read, understand and adhere to court orders and requirements of related legal documents.

Ability to assign, supervise and evaluate the work of subordinate staff.

Ability to work with outside agencies, inmates, attorneys, co-workers and the public in a cooperative and professional manner.

Ability to assess situations and make operational decisions in response to emergencies.

Ability to respond to medical and life threatening emergencies.

MINIMUM QUALIFICATIONS

Graduation from high school or equivalent supplemented by college-level coursework in criminal justice and six months of experience in the following, or any combination thereof: a correctional setting, as a counselor in a social setting, in law enforcement work, in the military, particularly in law enforcement or corrections, or with responsibility for individuals in other institutional settings; or any equivalent combination of training and experience that provides the desirable knowledge, abilities, and skills.

NECESSARY SPECIAL REQUIREMENTS

Must be a citizen of the United States and be at least nineteen (19) years of age or older.

At the time of employment, must be fingerprinted and the fingerprint cards promptly submitted to the Nebraska State Patrol for a criminal history search; must be free of any convictions of crimes punishable by imprisonment in a state or federal penitentiary for a term of one (1) year or more, from which a pardon has not been received.

Must submit to and successfully pass a substance abuse test.

Must be examined by a licensed physician and meet the medical requirements of the Corrections Department.

Possession of a valid driver's license when operating a vehicle is required in the performance of assigned duties.

LANCASTER COUNTY CORRECTIONS SERGEANT

NATURE OF WORK

This is direct contact supervisory work in a correctional facility responsible for the supervision of subordinate personnel and ensuring the security and safety of incarcerated individuals.

May be assigned to any operational position (e.g., Day watch/Night watch), or specialty position (e.g., Disciplinary Hearing Officer, Classification Sergeant, Training Sergeant, PSW Sergeant, Grievance Investigator, Operational Support Sergeant, Records Sergeant). Overtime hours may be required due to operational needs in any of these positions.

Work involves supervising subordinate Correctional Officers as assigned, enforcing facility rules and regulations, managing inmate behavior and supervising various inmate activities and programs. Work also involves intake and release processing of inmates, ensuring adherence to applicable laws, court orders, regulations and departmental policies; and responding to emergency situations, taking remedial action and supporting first-response staff. Supervision is received from Corrections Lieutenant with work reviewed in the form of conferences and day-to-day operational effectiveness. Supervision may be exercised over Correctional Officers. Collateral duties may be assigned at administrative discretion.

EXAMPLES OF WORK PERFORMED

Supervise and evaluate Correctional Officers in the performance of their duties as assigned; enforce facility rules and regulations; manage inmate behavior and supervise various inmate activities and programs; escort inmates to scheduled medical or legal appointments; provide field training for Correctional Officers; respond to emergency situations taking remedial action and supporting first-response staff; schedule staff to cover shift position vacancies and assign subordinate staff to facility posts.

Oversee intake and release processing of inmates ensuring adherence to applicable laws, court orders, regulations and departmental policies; communicate with the inmate population answering questions, complaints and requests for assistance; inspect inmate living areas and related areas to ensure standards of sanitation and security are maintained; conduct minor disciplinary hearings for inmates.

Monitor required documentation of activities during shift supervised; review investigative reports for completeness and accuracy.

Ensure all emergency equipment is in proper working order.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of correctional facility operations.

Knowledge of departmental policies, procedures and post orders.

Knowledge of the criminal justice system.

Some knowledge of Nebraska Jail Standards.

Some knowledge of behavioral and psychological issues, minority cultures and religions, group dynamics and stress management pertaining to inmates in a correctional facility.

Some knowledge of managerial principles and practices as they pertain to the correctional system.

Ability to effectively manage inmate behavior in various custody environments.

Ability to communicate effectively both orally and in writing.

Ability to use basic word processing and applicable correctional computer software applications and equipment.

Ability to read, understand and adhere to court orders and requirements of related legal documents.

Ability to assign, supervise and evaluate the work of subordinate staff.

Ability to work with outside agencies, inmates, attorneys, co-workers and the public in a cooperative and professional manner.

Ability to assess situations and make operational decisions in response to emergencies.

Ability to respond to medical and life threatening emergencies.

MINIMUM QUALIFICATIONS

Graduation from high school or equivalent supplemented by college-level coursework in criminal justice and six months of experience in the following, or any combination thereof: a correctional setting, as a counselor in a social setting, in law enforcement work, in the military, particularly in law enforcement or corrections, or with responsibility for individuals in other institutional settings; or any equivalent combination of training and experience that provides the desirable knowledge, abilities, and skills.

NECESSARY SPECIAL REQUIREMENTS

Must be a citizen of the United States and be at least nineteen (19) years of age or older.

At the time of employment, must be fingerprinted and the fingerprint cards promptly submitted to the Nebraska State Patrol for a criminal history search; must be free of any convictions of crimes punishable by imprisonment in a state or federal penitentiary for a term of one (1) year or more, from which a pardon or set aside conviction has not been received.

Must submit to and successfully pass a substance abuse test.

Must be examined by a licensed physician and meet the medical requirements of the Corrections Department.

Possession of a valid driver's license and the ability to be insured by the County's insurance carrier.

RECEIVED
OCT 24 10 53 AM '22

OFFICIAL APPEAL FORM

NAME OF EMPLOYEE: Justin Plugge

DEPARTMENT: Engineering

CLASSIFICATION: Laborer II

WORK LOCATION/DISTRICT: Waverly Shop

STATEMENT OF APPEAL:

List applicable appeal: On September 14, 2022 during routine mowing duties Justin hit a headwall causing damage to mower #1891. On September 21, 2022 Justin received a pre disciplinary letter proposing a five (5) day suspension for the damage. On September 28, 2022 at a pre disciplinary meeting it was brought up by Union Representative Rick DeBoer that management was being inconsistent with the discipline, and was not always following the progressive discipline that was in the CBA. In the meeting it was also brought up that during a training session, Justin was told by management that the headwalls should be buried six (6) inches so that damage to equipment could not happen. On October 10, 2022 Justin was informed that the discipline for the damage done would be a three (3) day suspension instead of the one day that the Union was asking for.

Adjustment Required: Change Justin's discipline from the three (3) days to one (1) day.

I authorize the IBEW Local 1536 as my representative to act for me in the disposition of this appeal

SIGNATURE of UNION REPRESENTATIVE: Rick DeBoer

TITLE: Vice President IBEW 1536

DATE: 10/24/2022

THIS STATEMENT OF APPEAL IS TO BE MADE OUT IN DUPLICATE. ALL COPIES ARE TO BE SIGNED BY IBEW REPRESENTATIVE HANDLING THE CASE.

Original: Human Resources

Copy : Local Union Appeal File



LANCASTER
COUNTY
ENGINEERING

Pamela L. Dingman, P.E.
County Engineer

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

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

RECEIVED
SEP 22 10:50

LWDW

September 21, 2022

Justin Plugge
1377 South 176th street
Lincoln, NE 68520

Dear Justin:

The purpose of this letter is to inform you that I am proposing to suspend you without pay for five (5) working days pursuant to Lancaster County Personnel Rule 11.2(d) and Article 19 of the 2021-2023 Bargaining Agreement between IBEW-Engineering and the County. This proposed suspension is based upon violations of the Lancaster County Personnel Rules. It appears that the following rules were violated:

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

On September 14, 2022, during routine mowing duties using county mower #1891, near Arbor Road east of 70th, you hit a headwall on county structure G-236, causing damage to #1891. Hitting the headwall with the mower deck caused the hitch on the mower to break, the PTO to pull apart, and the hydraulic lines to pull out of the tractor. You notified your supervisor Curtis Pokorny of your mistake. You stated that you misguiding and hit the headwall. Hitting the headwall with county mower # 1891 caused an estimated \$ 4,126.00 in damages to #1891.

In addition, on November 12, 2021, during a routine fueling of county diesel truck #65, it was discovered that you put 23 gallons of unleaded fuel into county diesel truck #65. After the tank was full, you realized that you had put the wrong fuel in county diesel truck #65. County diesel truck #65 is a continuous cycle fueling system. Turning the key in the on position allowed the unleaded fuel to cycle through county diesel truck #65's system, causing extensive internal damage. Your actions caused an estimated \$11,225.21 in damages to County diesel truck #65, which resulted in a one-day suspension.

Pursuant to Article 19, Section 1 of the IBEW-Engineering Agreement, a pre-disciplinary meeting has been set for Wednesday, September 28, 2022, at 2:00 pm, at the Lancaster County Engineering Office. You may bring a Union representative to this meeting. At the meeting, you may present any evidence, arguments, or mitigating factors regarding these charges. If you do not wish to meet to discuss these charges, please let me know in writing, and I will proceed with the appropriate discipline based upon the information before me at this time.

Sincerely,

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

cc: Barb McIntyre, Human Resources Director
Ashley Bohnet, County Attorney



Pamela L. Dingman, P.E.
County Engineer

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

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

RECEIVED
SEP 22 AM 9:50

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L W QW

October 6, 2022

Justin Plugge
1377 South 176th street
Lincoln, NE 68520

Dear Justin:

On September 21, 2022, you received a letter proposing to suspend you without pay for five (5) working days pursuant to Lancaster County Personnel Rule 11.2(d) and Article 19 of the 2021-2023 Bargaining Agreement between IBEW-Engineering and the County. This proposed suspension is based upon violations of the Lancaster County Personnel Rules. A pre-disciplinary meeting was held on September 28, 2022. You attended this meeting along with your Union Representative Rick DeBoer, Pam Dingman, Leroy Geistlinger, and Sherri Wimes.

At this meeting, you acknowledged that you did hit the visible headwall and misjudged your distance, and hit the headwall that caused the reported damages to county mower #1891. Considering the information shared at this meeting and your acknowledgment of causing damage to county mower #1891, I will be issuing a three (3) day suspension without pay. This letter is to confirm your three (3) working days suspension date without pay will be from October 12, 2022, to October 14, 2022.

Based upon the information before me, I have determined that your conduct violated the following Lancaster County Personnel Rules:

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

I have made my decision based upon the facts set forth below:

On September 14, 2022, during routine mowing duties using county mower #1891, near Arbor Road east of 70th, you hit a headwall on county structure G-236, causing damage to #1891. Hitting the headwall with the mower deck caused the hitch on the mower to break, the PTO to pull apart, and the hydraulic lines to pull out of the tractor. You notified your supervisor Curtis Pokorny of your mistake. You stated that you misguiding and hit the headwall. Hitting the headwall with county mower # 1891 caused an estimated \$ 4,126.00 in damages to #1891.

In addition, on November 12, 2021, during a routine fueling of county diesel truck #65, it was discovered that you put 23 gallons of unleaded fuel into county diesel truck #65. After the tank was full, you realized that you had put the wrong fuel in county diesel truck #65. County diesel truck #65 is a continuous cycle fueling system. Turning the key in the on position allowed the unleaded fuel to cycle through county diesel truck #65's system, causing extensive internal damage. Your actions caused an estimated \$11,225.21 in damages to County diesel truck #65, which resulted in a one-day suspension.

This suspension is being issued due to you damaging county mower #1891 and is progressive discipline. With any piece of equipment, you need to ensure that you have reviewed the operation manual before utilizing any equipment and that you are confident that you can use the equipment safely and effectively without causing harm to others or damage. Safety and awareness of your surroundings should always be a priority. You must always pay attention to your surroundings when operating equipment, such as mowing around visible headwalls.

You have the right to appeal this unpaid suspension to the Lancaster County Personnel Policy Board in accordance with Lancaster County Personnel Rule 11.2 (d) and Article 18, Section 4, of the Bargaining Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Dingman', with a stylized flourish at the end.

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

Cc: Barb McIntyre, Human Resources Director
Ashley Bohnet, County Attorney



LANCASTER
COUNTY
ENGINEERING

Pamela L. Dingman, P.E.
County Engineer

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

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

November 7, 2022

Justin Plugge
1377 South 176th Street
Lincoln, Ne 68520

RE: Grievance received October 25, 2022

Dear Mr. Plugge,

This letter will serve as a response to the grievance received on October 25, 2022, via email, regarding an alleged violation of Article 19, Section 4, by suspending Justin Plugge for three days without pay.

The grievance provides the facts as follows: On or about September 14, 2022, Justin Plugge hit a headwall causing damage to mower #1891. On September 21, 2022, Mr. Plugge received a pre-disciplinary letter providing a five (5) day suspension for the damage. On September 28, 2022, a pre-disciplinary meeting was held. On October 10, 2022, the County provided notice that Mr. Plugge was receiving a three (3) day suspension for violating Lancaster County Personnel Rules.

On September 14, 2022, Mr. Plugge was using county mower #1891 near Arbor Road, east of 70th Street, when he hit a headwall on county structure G-236, causing damage to mower #1891. When Mr. Plugge hit the headwall with the mower deck, it caused the hitch on the mower to break, the hydraulic lines to pull out of the tractor, and the Power Take Off (PTO) to pull apart. There was no reason for the accident other than that Mr. Plugge misguided and hit the headwall. The accident was entirely Mr. Plugge's fault. This carelessness by Mr. Plugge resulted in \$4,126.00 of damages to mower #1891.

There are certain inherent management rights under Article 6. Specifically, under Article 6, Section 2(E), which states that management has the right to "suspend, demote, discharge, or take other disciplinary actions against employees for just cause," Article 19, Section 1 states that the Department Head "may discipline an employee for just cause." Just cause is defined as "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." Nothing in the bargaining agreement, including Article 19, limits a Department Head's authority to determine the appropriate level of discipline.

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RE: Plugge Grievance received October 25, 2022

The Department has considered not only this incident but previous disciplinary actions within the last eighteen months. On November 12, 2021, Mr. Plugge was fueling a diesel truck and put 23 gallons of unleaded fuel into county diesel truck #65. After putting in the wrong fuel, Mr. Plugge then turned the key in the 'on' position, allowing the unleaded fuel to cycle through the truck's system, causing extensive internal damage. This incident caused \$11,225.21 dollars of damages. Mr. Plugge was given a one-day suspension for his negligence in that incident.

Article 19, Section 4 states that a Department Head "may suspend an employee without pay for cause..." In this case, Mr. Plugge was suspended for cause as his actions on September 14, 2022, were careless and inefficient. Furthermore, this was not Mr. Plugge's only careless or incompetent action in the last eighteen months. For these reasons, the grievance is denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Dingman', written over the word 'Sincerely,'.

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

cc: Barb McIntyre, Human Resources Director
Ashley J. Bohnet, Deputy County Attorney

OFFICIAL APPEAL FORM

NAME OF EMPLOYEE: Ricky Phillips

DEPARTMENT: Engineering

CLASSIFICATION: Senior Operator

WORK LOCATION/DISTRICT: Davey/Ramond

STATEMENT OF APPEAL:

List applicable appeal: On November 3, 2022, Ricky was blading a bank back with County motor grader #348. While blading he bumped into a Norris Public Power pole, causing the wire to be knocked off the insulator at the top of the pole. At no point in time did the wire come down, nor was there any time when people in that area lost power. When NPP came to check things out, it was determined that the pole did not sustain damage where a replacement pole would be needed, and that the current pole would have no trouble continuing doing the job safely. So basically all NPP had to do was pop the wire back onto the insulator and be on their way.

On November 9, 2022 Rick received a pre disciplinary letter stating that the Department Head was proposing a one day suspension for the incident.

On November 30, 2022 at the pre disciplinary meeting it was asked by Union VP Rick DeBoer how Mr. Phillips could be guilty of violating Lancaster County Personnel 11.2(h)(8), (9) if there really was no damage done to County motor grader #348, and there really was no damage done to Norris Public Power, and that Lancaster County never received any kind of bill from NPP. Therefore if no money exchanged hands how could Mr. Phillips be negligent with County monies?

Adjustment Required: Give back Rick his one day suspension, remove the suspension from all the files, and make him whole again.

I authorize the IBEW Local 1536 as my representative to act for me in the disposition of this appeal

SIGNATURE of UNION REPRESENTATIVE: Rick DeBoer

TITLE: Vice President IBEW 1536

DATE: 12/21/2022

THIS STATEMENT OF APPEAL IS TO BE MADE OUT IN DUPLICATE. ALL COPIES ARE TO BE SIGNED BY IBEW REPRESENTATIVE HANDLING THE CASE.

Original: Human Resources

Copy : Local Union Appeal File



Pamela L. Dingman, P.E.
County Engineer

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

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

2023 JAN 9 3:45 PM

January 5, 2023

Ricky Phillips
104 5th
PO BOX 91
Ceresco, NE 68017

RE: Grievance received December 21, 2022

Dear Mr. Phillips,

This letter will serve as a response to the grievance received on December 21, 2022, via email, regarding an alleged violation of Article 19, Section 4, by suspending Ricky Phillips for one day without pay.

The facts are as follows: On November 3, 2022, Ricky Phillips hit a power pole owned by Norris Public Power while operating county motor grader #348. This accident caused damage to the power pole and knocked the wire off the insulator on the top of the pole. On November 9, 2022, Mr. Phillips received a pre-disciplinary letter providing a one (1) day suspension for the damage. On November 30, 2022, a pre-disciplinary meeting was held. On December 9, 2022, the Department provided notice that Mr. Phillips was receiving a one (1) day suspension for violating Lancaster County Personnel Rules.

On November 3, 2022, Ricky Phillips hit a power pole owned by Norris Public Power near West Rock Creek Road and 14th while operating county motor grader #348. This accident caused damage to the power pole and knocked the wire off the insulator on the top of the pole. The sole cause of this accident was the actions of Mr. Phillips and was due to Mr. Phillips driving too close to the pole and hitting the pole.

Article 19, Section 1 states that the Department Head "may discipline an employee for just cause." Just cause is defined as "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." Nothing in the bargaining agreement, including Article 19, limits a Department Head's authority to determine the appropriate level of discipline.

Lancaster County Personnel Rule 11.2(h)(8) states that there is just cause for suspension when an "employee has been incompetent or inefficient in the performance of the duties of his position." In this case, Mr. Phillips got into an accident while in the performance of his duties, acting

RE: Grievance received December 21, 2022

ineffectually in the performance of those duties. Furthermore, under Lancaster County Personnel Rule 11.2(h)(9), another just cause for suspension is when an "employee has been careless or negligent with the monies or other property of the County." Mr. Phillips was operating Lancaster County property when he carelessly or negligently hit a power pole.

The Department has considered not only this incident but previous disciplinary actions within the last year. On July 16, 2022, Ricky Phillips cut the dirt mound off from the shoulder of the road near South 120th and Hickman Road. In doing so, he hit a conduit line with motor grader #342's blade and broke the line causing damage. This resulted in a written reprimand.

Article 19, Section 4 states that a Department Head "may suspend an employee without pay for cause..." In this case, Mr. Phillips was suspended for cause as his actions on November 3, 2022, were careless and inefficient. Furthermore, this was not Mr. Ricky's only careless or incompetent action in the last twelve months. For these reasons, the grievance is denied.

Sincerely,



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

cc: Barb McIntyre, Human Resources Director
Ashley J. Bohnet, Deputy County Attorney



Pamela L. Dingman, P.E.
County Engineer

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

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

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LW

December 09, 2022

Ricky Phillips
104 5th
PO BOX 91
Ceresco, NE 68017

Dear Ricky:

On November 30, 2022, you received a letter proposing to suspend you without pay for one (1) working day pursuant to Lancaster County Personnel Rule 11.2(d) and Article 19 of the 2021-2023 Bargaining Agreement between IBEW-Engineering and the County. This proposed suspension is based upon violations of the Lancaster County Personnel Rules and department training. A pre-disciplinary meeting was held on November 08, 2022. You attended this meeting with Sherri Wimes, Leroy Geistlinger, Rick DeBoer, John Berry, and Ron Bohaty.

At this meeting, you acknowledged that you caught the pole with the front of motor grader #348 because you were too close. Additionally, you indicated you notified your supervisor Wayne Hergott, and you acknowledged that you did cause damage to the pole (picture attached). Considering the information shared at this meeting and your acknowledgment of causing damage, I will be issuing a one (1) day suspension without pay. This letter confirms that your one (1) working day suspension date without pay will be December 20, 2022.

It appears that the following rules, policies, and provisions were violated:

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

I have made my decision based upon the facts set forth below:

On November 3, 2022, during routine regarding duties using county motor grader #348, near West Rock Creek Road and 14th on the north side, you hit a power pole with #348, causing damage to the power pole owned by Norris Power and knocked the wire off the insulator on the top of the pole. You called your supervisor Wayne Hergott and notified him that you got too close to the pole and hit it. Hitting the pole with #348 caused an unknown amount of damage to Norris Power's property.

Ricky Phillips

December 09, 2022

In addition, on July 16, 2022, during a routine road at South 120th and Hickman Road, you cut the dirt mound off from the shoulder of the road, and in doing so, you hit a conduit line with motor grader #342's blade and broke the line causing damage. Your actions resulted in a written reprimand.

This suspension is being issued due to your damaging property and progressive discipline from the July 16, 2022, incident. With any piece of equipment, you need to ensure that you have reviewed the operation manual before utilizing and that you are confident that you can use the equipment safely and effectively without causing damage. Safety and awareness of your surroundings should always be a priority. You must always pay attention to your surroundings when operating equipment, such as backing equipment up.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Dingman', with a long horizontal flourish extending to the right.

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

Cc: Barb McIntyre, Human Resources Director
Ashley Bohnet, County Attorney