

February 29, 2024

**TO:** County Personnel Policy Board Members

**SUBJECT:** Personnel Policy Board Meeting  
Thursday, March 7, 2024  
**1:30 p.m.**, Commissioners Hearing Room  
County-City Building, Room 112

**A G E N D A**

ITEM 1: Approve Minutes from the January 4, 2024 meeting.

ITEM 2: Request to create the following classification:

CLASS

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>PAY GRADE</u>
4513	Diesel Technician	G16 (\$55,800.16 - \$71,477.12)

ITEM 3: Request to revise and change the title of the following classifications:

<u>CLASS CODE</u>	<u>CURRENT CLASS TITLE</u>	<u>PROPOSED CLASS TITLE</u>	
4512	Equipment Mechanic II	Automotive Mechanic	(G15)
4985	Road Maintenance Superintendent	Road Superintendent	(C22)

ITEM 4: Request to revise, change the title and pay range of the following classification:

<u>CLASS CODE</u>	<u>CURRENT CLASS TITLE</u>	<u>PROPOSED CLASS TITLE</u>	<u>CURRENT PAY GRADE</u>	<u>PROPOSED PAY GRADE</u>
0914	Social Worker	Mitigation Specialist	E16 (\$66,023.36 - \$84,572.80)	E17(\$68,398.72 - \$87,609.60)

ITEM 5: 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>
0913	Investigator	E14 (\$61,513.92 - \$78,790.40)	E15 (\$63,727.04 - \$78,790.40)

ITEM 6: Request to revise the following classifications:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	
4522	Equipment Operator II	(G13)
7860	Juvenile Detention Officer	(Y01)

ITEM 7: Request to change the title of the following classification:

<u>CLASS CODE</u>	<u>CURRENT CLASS TITLE</u>	<u>PROPOSED CLASS TITLE</u>	
4704	Casual Worker II	Casual Worker	(A05)

ITEM 8: Request to delete the following classifications:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	
4703	Casual Worker I	(A02)
4511	Equipment Mechanic I	(G10)

ITEM 9: Request to delete the following pay grades:

A01 \$11.292 - \$14.464 (\$23,487.36 - \$30,085.12)  
A02 \$11.698 - \$14.984 (\$24,331.84 - \$31,166.72)  
A03 \$12.120 - \$15.524 (\$25,209.60 - \$32,289.92)  
A04 \$12.554 - \$16.084 (\$26,112.32 - \$33,454.72)

ITEM 10: Request to amend County Rule 4.3 – Power & Duties

ITEM 11: Request to amend County Rule 4.8 – Hearings

ITEM 12: Request to amend County Rule 9.1 – Promotion

ITEM 13: Request to amend County Rule 17.18 – Longevity

ITEM 14: Request to amend County Rule 19.7 – Special Leave

ITEM 15: Request to amend County Rule 19.8 – Paid Parental Leave

ITEM 16: Request to amend County Human Resources Policy Bulletin – Overtime Pay Policy

ITEM 17: Request for appeal hearing – FOP# 32 - Carrie Hutsell - Suspension - Corrections.

ITEM 18: Miscellaneous Discussion

pc: County Agency Heads  
Union Presidents  
Tom McCarty  
Ashley Bohnet  
Kristy Bauer  
Carrie Hutsell

## LANCASTER COUNTY DIESEL TECHNICIAN

### NATURE OF WORK

This is skilled mechanical work in the maintenance and repair of diversified medium and heavy construction equipment.

Work involves the responsibility for the maintenance and repair of a wide variety of both conventional and specialized equipment and motorized machinery. An employee in this class performs the most complex maintenance and repair functions for medium and heavy construction equipment and related machinery including major overhauls of engines, transmissions, and multi-speed differentials. An employee in this class performs the actual repair and maintenance work and tests equipment to ensure the work has been performed satisfactorily. General supervision is received from a technical superior with work reviewed in progress and upon completion.

### EXAMPLES OF WORK PERFORMED

Diagnose malfunctions, which may require utilizing computerized diagnostic equipment, and repair a wide variety of medium and heavy construction equipment; perform routine maintenance for a variety of construction equipment.

Perform major engine overhauls including replacing rings and bearings, overhauling carburetors and related engine components; perform routine maintenance and necessary major overhauls of transmissions, clutches, differentials, brake, exhaust and fuel systems; diagnose and repair air conditioning systems.

Remove and replace defective generators, alternators, starters and repair related electrical system components; overhaul and replace water pumps, fuel pumps, oil pumps and related components; install, calibrate and repair specialized law enforcement equipment.

Obtain and interpret installation and repair manuals and guides for vehicles and specialized equipment; monitor service bulletins; maintain records of maintenance and repair functions performed; document repairs, mileage/hours and fluids required on repair orders; assist in ordering specialized parts and confirming receipt of orders.

### DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Considerable knowledge of the construction, maintenance and repair of a wide variety of both conventional and specialized medium and heavy equipment components.

Considerable knowledge of specialized tools and equipment used in the maintenance and repair of medium and heavy construction equipment.

Ability to diagnose, detect, repair and maintain medium and heavy equipment engine components.

Ability to inspect, test and detect any worn, defective, or improperly adjusted equipment components.

Ability to use technical manuals and resource books to obtain replacement parts and confirm repair operations and testing procedures.

Ability to communicate effectively both orally and in writing.

Ability to follow oral and written instructions.

Ability to interpret wiring schematics and perform intricate wiring procedures.

Ability to instruct and supervise subordinates engaged in minor equipment repairs.

Skill in the diagnosis of defects and failures of specialized, medium and heavy equipment.

Skill in the use and operation of specialized tools and equipment including computerized diagnostic equipment.

#### MINIMUM QUALIFICATIONS

Graduation from high school plus two years of experience in medium and heavy construction equipment maintenance and repair; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

Possession of a valid driver's license when operating a vehicle is necessary for the satisfactory performance of assigned duties.

Employees must possess and maintain a valid Nebraska Commercial Driver's License (CDL and any applicable endorsements within 60 days.

Possession of certification in Motor Vehicle Refrigerant Servicing as specified in EPA Section 609 guidelines or the ability to obtain certification within 6 months of appointment.

LANCASTER COUNTY  
~~EQUIPMENT-AUTOMOTIVE~~ MECHANIC II

NATURE OF WORK

This is skilled mechanical work in the maintenance and repair of diversified automotive ~~and/or heavy construction~~ equipment.

Work involves the responsibility for the maintenance and repair of a wide variety of both conventional and specialized equipment and motorized machinery. ~~This class is differentiated from the Equipment Mechanic I classification in that a~~ An employee in this class performs the most complex maintenance and repair functions for automotive ~~and/or heavy construction~~ equipment and related machinery including major overhauls of engines, transmissions, and multi-speed differentials. An employee in this class performs the actual repair and maintenance work and tests equipment to ensure the work has been performed satisfactorily. General supervision is received from a technical superior with work reviewed in progress and upon completion. ~~Supervision may be exercised over subordinate mechanics generally in instructional form.~~

EXAMPLES OF WORK PERFORMED

Diagnose malfunctions, which may require utilizing computerized diagnostic equipment, and repair a wide variety of light, medium, and/or heavy automotive, ~~and construction~~ equipment; perform routine maintenance for a variety of vehicles ~~and construction equipment~~.

Perform major engine overhauls including replacing rings and bearings, overhauling carburetors and related engine components; perform routine maintenance and necessary major overhauls of transmissions, clutches, differentials, brake, exhaust and fuel systems; diagnose and repair air conditioning systems.

Perform minor body repair work on County owned vehicles including spot painting and welding; work with all types of body repair materials including fiberglass, and body putty.

Remove and replace defective generators, alternators, starters and repair related electrical system components; overhaul and replace water pumps, fuel pumps, oil pumps and related components; install, calibrate and repair specialized law enforcement equipment.

~~Supervise and instruct subordinate mechanics engaged in various phases of equipment maintenance and repair.~~

Obtain and interpret installation and repair manuals and guides for vehicles and specialized equipment; monitor service bulletins; maintain records of maintenance and repair functions performed; document repairs, mileage/hours and fluids required on repair orders; assist in ordering specialized parts and confirming receipt of orders.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Considerable knowledge of the construction, maintenance and repair of a wide variety of both conventional and specialized automotive ~~or heavy equipment~~ components.

Considerable knowledge of specialized tools and equipment used in the maintenance and repair of automotive ~~and/or heavy construction~~ equipment.

Ability to diagnose, detect, repair and maintain automotive ~~and/or heavy equipment~~ engine components.

Ability to inspect, test and detect any worn, defective, or improperly adjusted equipment components.

Ability to use technical manuals and resource books to obtain replacement parts and confirm repair operations and testing procedures.

Ability to communicate effectively both orally and in writing.

Ability to follow oral and written instructions.

Ability to interpret wiring schematics and perform intricate wiring procedures.

Ability to instruct and supervise subordinates engaged in minor equipment repairs.

Skill in the diagnosis of defects and failures of specialized ~~and/or heavy~~ equipment.

Skill in the use and operation of specialized tools and equipment including computerized diagnostic equipment.

#### MINIMUM QUALIFICATIONS

Graduation from high school plus two years of experience in light, medium and/or heavy automotive ~~and construction equipment~~ maintenance and repair; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

Possession of a valid driver's license when operating a vehicle is necessary for the satisfactory performance of assigned duties.

~~When operating equipment that falls under the Nebraska Commercial Driver's License (CDL) status, the employee is required to possess and maintain the proper license and endorsement within 60 days.~~

Possession of certification in Motor Vehicle Refrigerant Servicing as specified in EPA Section 609 guidelines or the ability to obtain certification within 6 months of appointment.

LANCASTER COUNTY  
ROAD ~~MAINTENANCE~~-SUPERINTENDENT

#### NATURE OF WORK

This is responsible administrative and supervisory work directing all County road maintenance or construction functions.

Work involves responsibility for directing all County road maintenance or construction functions including determining road maintenance or construction requirements on a County wide basis; reviewing and monitoring maintenance or construction efforts of each district; supervising and directing bridge maintenance or construction and repair activities; assigning equipment and personnel on a district or project basis; coordinating equipment allocation and usage among districts; and reviewing the work performed by contractors and sub-contractors to ensure compliance with specifications. Work also involves interviewing and hiring employees for all maintenance or construction positions; monitoring maintenance or construction division expenses; and receiving complaints from the public and initiating necessary corrective actions. An employee in this class is expected to exercise considerable independent judgment and personal initiative within the framework of established departmental policies. Supervision is received from an administrative superior with work being reviewed in the form of reports, conferences and the effectiveness of maintenance or construction operations.

#### EXAMPLES OF WORK PERFORMED

Plan, direct, and supervise through subordinate supervisors the total County road and bridge maintenance and repair operations including snow removal operations, dragging and grading of roads, installation of regulatory and warning traffic signs, bridge maintenance and repair including repair of bridge decks, planking, guard rails, hazard signs and related bridge components.

Review and monitor maintenance or construction efforts of each district; review all work performed by contractors and sub-contractors to ensure compliance with specifications.

Monitor maintenance or construction expenditures and complete requested statistical and financial reports for the department's annual budget process; assist in determining new equipment requirements and the preparation of the annual budget.

Review and recommend approval or denial of all promotions, merit increases, and various required disciplinary actions; interview and hire maintenance or construction personnel.

Assign and allocate equipment and personnel among the various district maintenance headquarters or construction projects.

Receive complaints from the public and initiate necessary corrective action.

#### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of all phases of road and bridge maintenance or construction and repair principles, practices and techniques.

Thorough knowledge of equipment requirements as they pertain to road and bridge maintenance or construction and repair.

Thorough knowledge of the occupational hazards involved in road and bridge maintenance, or construction and repair and appropriate safety and precautionary measures required.

Ability to plan, coordinate and direct all County road and bridge maintenance or construction operations and supervise the work of unskilled, semi-skilled and skilled subordinates engaged in complex maintenance or construction inspection functions.

Ability to determine equipment and personnel resources required for maintenance or construction operations.

Ability to understand and follow complex instructions and technical specifications.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with governmental officials, subordinates, and the general public.

Ability to prepare complex reports and to maintain complex maintenance records.

Ability to operate all maintenance equipment in a safe and efficient manner.

#### MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major course work in public or business administration, natural resources or environmental sciences, or civil, mechanical, construction or other engineering plus four years of experience in road and bridge maintenance and repair including some supervisory experience or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

Employees must possess a valid driver's license.

When operating equipment that falls under the Nebraska Commercial Driver's License (CDL) status, the employee is required to possess and maintain the proper license and endorsement within 60 days.

For employees in maintenance, M must have a Highway Superintendent License within 6 months of date of hire.

For employees in construction, must become a qualified Bridge Inspector within 12 months of hire.



4985 LANCASTER COUNTY ROAD ~~MAINTENANCE~~  
SUPERINTENDENT

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For employees in construction, must be a Certified Responsible Charge with NDOT or obtain within 12 months of hire.

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## SOCIAL WORKER MITIGATION SPECIALIST

### NATURE OF WORK

This is advanced social ~~service~~ work providing mitigation and forensic social work program services to the Public Defender clientele.

Work involves responsibility for identifying, communicating, and alleviating the issues that have led to the clients' contact with the criminal justice system. Upon referral by the attorneys, the mitigation specialist will conduct biopsychosocial interviews with juveniles and adults, identifying issues related to mental health, substance use, developmental delays, disabilities and trauma. Work also includes connecting clients to resources in the community and working with attorneys to advocate for appropriate outcomes that take into consideration a more holistic view of who our clients are, and how we can prevent the cycle of criminal level involvement. client case management including assessment, planning, advocacy and follow up; coordinating, managing and evaluating services; networking with community agencies and developing outreach contacts on behalf of and in support of clients. Supervision is received from an administrative superior with work being reviewed in the form of reports, conferences, achievement and effectiveness of program goals.

### EXAMPLES OF WORK PERFORMED

Identify and analyze clients' social and medical histories, psychological evaluations, education and legal documents; interview clients to gather biopsychosocial information, review relevant records, talk to natural supports to draft a mental health assessment that can be used by the legal team throughout all phases of the criminal case.

Interview clients who suffer from the effects of poverty, addiction, trauma, complex medical histories, developmental delays, or mental health issues who may have difficulty trusting those trying to help them and provide therapeutic intervention.

Provide pretrial case management information sharing services to develop and facilitate support for clients in the community or county jail.

~~Provide professional social work services; arrange for assistance with problems related to substance abuse, mental health, food, shelter, transportation, employment, personal and family development, parenting, child care, and education.~~

~~Interview clients to obtain information related to their family and personal history, educational and employment background, financial resources; assess their eligibility for social services programs.~~

~~Perform mental health assessment and substance abuse evaluations.~~

Partner with the defense attorney to develop mitigation strategy and assist in planning for client's pretrial release, rehabilitation, and reintegration into the community.

~~Match eligible clients with appropriate services; make referrals to other social service agencies when appropriate.~~

Write detailed and comprehensive mitigation reports that tell the client's story and includes

information on clients' family and community circumstances, including abuse, trauma, or interface with the child welfare system, mental health, progress since arrest and the demonstrated maturity and rehabilitation potential.

Track and analyze data for the program on overall referrals, significant case work, competency filing and restoration, subjective view of impact of services with multiple data.

~~Interact with clients to assess the impact of the services that have been received, review the client's progress; assess the need for additional services.~~

Develop bond plans for pretrial incarcerated individuals by identifying, communicating, and planning to alleviate the underlying factors that contributed to their involvement in the criminal justice system.

~~Communicate with representatives of other social service/community agencies to share program information, coordinate services and resolve problems.~~

~~Maintain thorough records regarding services provided to clients; prepares reports.~~

Oversee the recidivism checks at set intervals following case closure; draft and shape program policies and procedures to best serve clients and meet staff needs.

Act as a liaison between the Public Defender's Office and the educational institution; review prospective intern applications, conduct site interviews, and approve or deny internship applications.

~~May supervise interns.~~

Performs related work as required.

#### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of the principles, practices and techniques of executing forensic social service work and delivering programmatic services.

Knowledge of the intersection of criminal defense and social work and the collateral consequences of criminal charges, convictions and mitigation process.

Knowledge of sociological, behavioral and cultural factors influencing the behavior and attitudes.

Knowledge of the functions, programs and services provided by various community agencies, including the exclusion and inclusion criteria and referral process.

~~Some kK~~ knowledge of program development, management and evaluation within a larger organizational structure.

Knowledge of psychological, psychiatric, addition, medical, and other concepts related to rehabilitative alternatives to confinement.

Ability to interpret standards and regulations which impact programs or program areas and compose relative policies and procedures.

Ability to establish and maintain effective working relationships with coworkers, clients and families in adverse circumstances, community agencies and service providers and the general public.

Ability to communicate effectively both orally and in writing including clear, accurate and comprehensive reports that contain findings, conclusions and recommendations.~~facilitating meetings and delivering presentations and reports.~~

Ability to develop, maintain and analyze statistical and confidential client records.

Skill in working with clients from varying socioeconomic backgrounds who may live with mental illness, substance use, pervasive trauma, complex medical needs, and developmental disabilities.

#### DESIRABLE QUALIFICATION

Licensed as an independent clinical social worker (LICSW) in the state of Nebraska (CMSW and LIMHP).

#### MINIMUM QUALIFICATIONS

Masters degree in social work, ~~psychology, sociology or guidance and counseling or related field~~ plus two years of experience working with people dealing with mental health or substance abuse issues, the legal system or correctional system including six months of supervisory experience or any equivalent combination of training and experience that would provide the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

Licensed as a clinical social worker (LCSW) in the State of Nebraska [CMSW & LMHP].

Possession of a valid driver's license when operating a vehicle is necessary to the satisfactory performance of assigned duties.

## LANCASTER COUNTY EQUIPMENT OPERATOR II

### NATURE OF WORK

This is skilled work in the operation of heavy road construction and road maintenance equipment.

Work involves responsibility for the safe and efficient operation of heavy construction and road maintenance equipment entailing considerable manipulative ability. This class is distinguished from other classes in that employees in this class must operate motor graders, ~~backhoes~~, paddle scrapers, and dozers, as a regular assignment, a minimum of 50% of work time. Employees may perform general laboring duties on a variety of construction type activities as well as all road maintenance activities, and may supervise employees assigned as helpers. Work is reviewed by a technical or an administrative superior who assigns and may inspect work in progress or upon completion and evaluates work for compliance with work schedules, methods and safety practices.

### EXAMPLES OF WORK PERFORMED

Operate motor grader and drag in assigned district dragging and scraping roads, grading roads, cutting water channels along roadside, plowing snow and performing related road maintenance functions; operate front-end loader, paddle scraper and dozer to backfill bridges and in the performance of general maintenance of roads and bridges; use front-end loader to load trucks; ~~operate backhoe when cleaning ditches and laying culverts~~; operate all types of rotary mowers to mow County right-of-ways; install various equipment attachments including snow plow, sander and motor grader blades; complete daily time sheets and daily traffic sign reports; complete proper logs for lubricants, diesel fuel and gasoline used.

Perform general road maintenance duties such as cutting brush and trees, treating stumps with chemicals, and putting branches and limbs into chipper; install and remove snow fence; repair and maintain culverts; remove and replace damaged sign posts and bridge planks.

Perform labor work in connection with assigned projects; may supervise subordinate employees engaged in general labor and equipment operation on an assigned project.

Perform routine preventive maintenance on equipment operated including checking and changing oil and oil filters, fueling and washing equipment, checking other fluid levels, lubricating, and inspecting and changing tires.

Perform routine building and grounds maintenance such as sweeping, mopping floors and cleaning restrooms and mowing grass using push mowers or riding lawn mowers.

### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Considerable knowledge of the operation and maintenance characteristics of a variety of heavy and complex construction and road maintenance equipment.

Considerable knowledge of the operating hazards and safety rules and precautions applicable to the equipment being operated.

Ability to detect needed repairs and to make minor field repairs and adjustments to service equipment.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with co-workers and the general public.

Skill in the operation of heavy duty road construction and maintenance equipment.

### ~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Graduation from a senior high school or equivalent and experience in the operation of heavy-duty construction and maintenance equipment.~~

### MINIMUM QUALIFICATIONS

Graduation from ~~junior~~ high school or equivalent and ~~six months of some~~ experience in the operation of heavy-duty construction and maintenance equipment; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

### NECESSARY SPECIAL REQUIREMENTS

Possession of a valid driver's license when operating a vehicle is necessary for the satisfactory performance of assigned duties.

LANCASTER COUNTY  
JUVENILE DETENTION OFFICER

NATURE OF WORK

This is responsible work supervising juveniles confined to a secure detention or placed within a staff secure facility or processed through the Assessment Center.

Work involves maintaining security including the safety of residents, staff and the public. Primary work functions include performing duties related to juvenile daily care within the housing units, facilitating groups, operating Central Control, conducting juvenile assessment, intake and release activities and transporting residents outside the facility. Supervision is received from an administrative superior with work reviewed in the form of successful behavior management, facility security and resident safety and communication effectiveness.

EXAMPLES OF WORK PERFORMED

Supervise and ensure the safety and security of residents throughout transport to and from the court system, medical appointments and other assigned transport sites; supervise and escort residents within the facility; assist in scheduling resident transport activities; perform routine and scheduled vehicle maintenance and safety checks.

Coordinate, direct, manage and observe resident daily activities and ongoing resident behavior; initiate disciplinary and restraint actions as needed to modify or control resident behavior; organize, facilitate and participate in behavioral, educational and recreational groups and activities for residents; assist in providing new employee training; attend relevant training and staff meetings as scheduled.

Conduct facility, resident and visitor searches/security checks; escort residents within the facility and to scheduled court, medical or assigned appointments as needed; refer residents to medical or mental health professionals, provide first aid/CPR, dispense and document medications and treatments per physician orders; conduct suicide and crisis interventions as appropriate.

Process computer intake and discharge interviews with residents; perform computerized screening, imaging and fingerprinting activities; process juvenile property, money and relevant judicial bonds and fines; inform residents and parents/legal guardians of facility guidelines and requirements.

Facilitate meal preparation, distribution and cleanup; perform general cleaning and maintenance duties including laundry, housekeeping and inventory.

Manage Control Center functions; control access into and through the facility; coordinate emergency response activities; receive and direct facility mail and telephone calls, distribute radios, keys, batteries, security items, belts, clips, cuffs.

#### KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of the principles and practices related to juvenile detention.

Knowledge of behavior modification techniques utilized in a closed or secure environment.

Some knowledge of computer operations.

Ability to physically restrain a juvenile whose behavior is harmful to self or others or whose behavior jeopardizes security.

Ability to use sound judgment in evaluating situations, making decisions and taking corrective action.

Ability to communicate with and obtain the cooperation of youth and family members from a wide range of social, economic and culturally diverse backgrounds.

Ability to establish and maintain effective working relationships with residents, co-workers and the general public.

Ability to communicate effectively both orally and in writing.

Ability to accurately prepare and maintain written and computerized records.

Ability to react calmly and purposefully during crisis or emergency situations.

#### MINIMUM QUALIFICATIONS

Graduation from high school or equivalent supplemented by college coursework in criminal justice, human development or a related behavioral science field including six months of experience working with juveniles in a social service, detention or corrections program or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENTS

~~Full time e~~Employees assigned to transport must possess a valid driver's license. At the time of employment, must meet facility driving record requirements.



Must be a citizen of the United States and be at least twenty-one (21) years of age.

At the time of employment, must be fingerprinted for a National and State 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 year or more from which a pardon has not been received; cannot be registered as a Child Abuse or Sexual Offender with the National Child Abuse and Neglect registry.

At the time of employment, must submit to and successfully pass a substance abuse test.

At the time of employment, must pass a physical examination and meet physical and medical requirements of the job classification.

~~11/12~~ 03/24

PS7860

### **4.3 Powers and Duties [\(Revised 03/2024\)](#)**

The Personnel Policy Board shall have the powers and duties assigned to it by statute and by these Rules.

[The Personnel Policy Board has a duty to affirm or deny all matters regarding personnel rules, regulations, human resources policy bulletins, and amendments. Should the board fail to affirm or deny any of these matters, it shall be considered a denial.](#)

[HRIS/Rules/Rule 4.3 - Power & Duties leg 2-2024.docx](#)

#### 4.8 Hearings ([Revised 03/24](#))

(a) Responsibility of the Board: When an employee shall file an appeal or grievance before the Board, it shall be the duty of the Board to ascertain to the best of its ability the facts of the case and, after weighing all available evidence, to report its findings and decision for such disposition as the Board may deem appropriate and to report its decision to all parties affected.

(b) Date of Hearing: A hearing shall be held within thirty (30) working days after receipt of said appeal or grievance, and at such time and place as shall be fixed by the [Human Resources Director](#). The hearing date may be continued if the parties mutually agree to a continuance or the Board does not have a quorum.

(c) Notice of Hearing: The Human Resources Director shall give the appellant or grievant and the Department Head prompt notice of the time and place set for the public hearing. The notice shall be given at least five (5) working days prior to the hearing. In the case of the appellant or grievant, the notice shall be by certified mail, addressed to ~~him~~[them](#) at ~~his~~[their](#) last known address, as shown by the employee's personnel file, with a return receipt requested unless ~~such notice is waived in writing the grievant has representation. Prior to the hearing, the parties shall identify in writing the individual who will represent them at the hearing.~~

(d) The Board Shall Have Access to Pertinent Data: In order to discharge its function properly in regard to review, the Board members shall have access to any County files, correspondence, memoranda, etc., which they feel might be pertinent to the case unless cause is shown why such files should not be provided at such a hearing. The Board shall have the right to question any officer or employee of the County whom they feel may be able to shed light on the circumstances involving the action in question. No officer or employee shall be subjected to disciplinary action as a result of testimony given.

(e) Witnesses: [Prior to the hearing, the parties shall provide the Board with a written list of the persons expected to be called as witnesses at the hearing.](#) The Board shall have the authority, either upon its own initiative or upon application of any party, to compel any County employee to appear before it for the purpose of giving testimony or otherwise providing relevant evidence. The procedure for compelling the attendance of a County employee before the Board shall be as follows:

(1) If the attendance of a County employee before the Board is sought by one of the parties, that party shall, not less than five (5) working days prior to the date of the meeting at which the employee's attendance is sought, submit to the Board, through the Human Resources Director, a written request to compel the attendance of the witness or witnesses. The party shall also send copies of such request to the opposing party or their attorney.

(2) Such request shall include, for each employee whose attendance is sought, the following information: the name of the employee; the Department in which the employee works; the reason or reasons the employee's presence is being sought; the general subject matter on which the employee is expected to offer evidence; a summary of the testimony, if any, which the employee is expected to give; the substance of any other evidence the employee is expected to give; the date and approximate time at which the employee's attendance is necessary; the approximate amount of time that the employee will need to be present; and any other information pertinent to the request.

(3) Following receipt thereof, any other party may respond to a request to compel the attendance of a County employee before the Board and may supplement their witness list. Any such response shall be in writing and shall be received by the Human Resources Director not later than the

close of business on the second working day after the original request was filed. Copies of any such responses shall also be served upon all the parties.

(4) The parties and Department Heads shall cooperate in order to minimize the amount of time an employee will be required to spend away from his duties as a result of being compelled to appear before the Board.

(5) As soon as the necessary arrangements have been made, the Department Head shall notify all affected employees and order them to appear accordingly. Any employee who fails to comply with any such order without adequate excuse shall be subject to formal discipline pursuant to the provisions of Rule 11.

(6) In the event that an employee fails to comply with an order to appear before the Board, the Board, pursuant to the provisions of NEB.REV.STAT. §23-2522(6), shall immediately issue and cause to be served on the employee a subpoena directing the employee to appear before the Board to give evidence at a date and time to be specified by the Board.

(7) All time spent by an employee, compelled to appear by either party, in a hearing before the Board pursuant to this Rule shall be considered time spent in performance of the employee's duties, and the employee shall be compensated accordingly by the County.

(8) Before testifying, every witness shall be required to declare that they will testify truthfully by oath or affirmation administered by the court reporter.

(f) Exhibits: Prior to the scheduled beginning of the hearing, the parties shall make every attempt to offer joint exhibits to avoid delays at the time of the hearing.

(1) Copies of all exhibits must be provided by each party for each member of the Board in attendance.

(2) Exhibits will be marked by a court reporter at the meeting.

(3) All costs associated with copies of exhibits shall be borne by the responsible party.

(g) -Subpoenas: The Board shall have the power to issue subpoenas to compel the attendance of witnesses or the production of documents as provided in NEB.REV.STAT. § 23-2522(6).

(1) Upon written request by either party, the Human Resources Director shall prepare a subpoena to be issued by the Board, directing the attendance of the named witnesses or the production of documents.

(2) No written request for the preparation or issuance of a subpoena shall be honored unless such written request is received by the Human Resources Director not less than 6 calendar days prior to the date upon which the matter is to be heard by the Board.

(3) Service of subpoenas shall be in strict accordance with NEB.REV.STAT. §25-1223 and §25-1226 except that the subpoena shall be served not less than 48 hours prior to the commencement of the Board meeting. All costs associated with the preparation, issuance and service of a subpoena shall be borne by the requesting

party.

(hf) Scope of the Board's Review: In its review of an employee appeal, the Board shall limit itself to the question of the appropriateness of the action and related matters, and to the following:

(1) Review of Disciplinary Action Appeals: In its review of a disciplinary action, the Board shall limit itself to the following questions (1) whether the employee committed the transgression(s) charged; (2) whether the discipline imposed for the transgression(s) is authorized under the provisions of these Rules or the relevant union contract; and (3) whether the Department Head, in imposing the discipline, considered any mitigating factors which may have existed in connection with the transgression(s).

In such cases, the Board shall affirm the action of the Department Head unless it is clearly established by evidence in the record that: (1) the employee did not commit the transgression(s) charged; or (2) the discipline imposed was not authorized under the provisions of these Rules or the relevant union contract; or (3) the Department Head, in imposing the discipline, failed to take into consideration any mitigating factors which may have existed in connection with the transgression(s).

(2) Review of Grievance: In its review of the Department Head's answer to the employee's grievance, the Board shall limit itself to interpretation of the relevant Rules and/or the relevant union contract cited in the grievance, and the facts which are the basis for the grievance.

~~(gi) Hearings to be Informal: Hearings shall be conducted in an informal manner with every effort made by the Board to avoid the appearance of conducting a trial as in a court of law.~~

(hi) Adjournments: Hearings on appeals or grievances may be adjourned prior to completion of the hearing only upon good cause shown and/or by agreement of the parties.

(hj) Failure to Appear: In the event that the appellant or grievant shall fail to appear in person or by counsel at the time and place set for hearing, the appellant or grievant shall be presumed to have waived his-their right to further hearing, and the Board shall dismiss the appeal or grievance. The Human Resources Director shall inform the party of such dismissal and his-their right to request his-their hearing be rescheduled. The Board may reschedule the hearing upon written presentation, by appellant or grievant or counsel, of evidence of extenuating circumstances which prevented the appearance of appellant or grievant and/or counsel. Such evidence shall be in writing and served upon the Board, through the Human Resources Director, within ten (10) calendar days of the meeting in which the appellant or grievant failed to appear.

(kj) Representation: Appellant or grievant may, at his-their election, be represented by counsel.

(lk) Conduct of Hearings: Hearings before the Board shall be public and shall be conducted in an orderly manner with a view to the presentation of all material facts so that a fair and impartial decision may be made. The Board shall not be bound by the strict rules of evidence and all hearings shall be conducted by the Chair or Vice-Chair, in the absence of the Chair or Vice-Chair, by another member of the Board. The Chair ~~person~~ or Vice Chair of the Board shall have full authority at all times to maintain orderly procedure, including the admission or exclusion of testimony and to reject irrelevant matters and limit the hearings to relevant facts.

(1) Hearings shall be conducted in an informal manner with every effort made by the Board to avoid the appearance of conducting a trial as in a court of law.- Any

member of the Board may question any of the witnesses during the course of the hearing.

(2) The following is the customary order. The Board may vary this order, either on its own initiative or at the request of either party.

- a. —1.—Opening statement by the aggrieved employee or Appellee.
- b. —2.—Opening statement by the County or Appellant.
- c. —3.—Presentation of evidence, witnesses and arguments by the aggrieved employee or Appellee.
- d. —4.—Cross-examination by the County or Appellant.
- e. —5.—Presentation of evidence, witnesses and arguments by the County or Appellant.
- f. —6.—Cross-examination by aggrieved employee or Appellee.
- g. —7.—Rebuttal evidence, if necessary, by aggrieved employee or Appellee.
- h. —8.—Rebuttal evidence, if necessary, by the County or Appellant.
- i. —9.—Summation by aggrieved employee or Appellee.
- a.j. —10.—Summation by the County or Appellant.

(n) Rebuttal: The scope of rebuttal shall be very narrow. On rebuttal, the Board shall receive only that evidence which: 1) has become relevant or important only as a direct result of evidence introduced by the opposing party, and 2) is offered for the sole purpose of explaining, refuting, contradicting, or disproving said evidence of the opposing party.

(o) Burden of Proof: In hearings which involve suspensions, demotions or dismissals for cause, the burden of proof shall be on the Appellee. In all other cases, the burden of proof shall be on the aggrieved employee.

(p) Transcript: A transcript of any or all of the hearing may be obtained from the court reporter. All costs associated with receipt of a transcript shall be borne by the requesting party.

(q) Decisions: A majority of affirmative votes shall be required to sustain a grievance. A failure to reach a majority of affirmative votes results in a denial of the grievance. Similarly, a majority of affirmative votes shall be required to sustain an appeal.

(1) Each present Board member will state their decision as well as the reasoning for their decision on the record.

(2) The Board shall reduce its findings and decisions to writing and send copies of the same to each party within fifteen days.

## 9.1 Promotion (Revised [11/0103/24](#))

(a) Vacancies in the classified service shall be filled by promotion whenever practical and in the best interest of the service. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these Rules.

(b) A promotion is the filling of a vacancy by the advancement of a employee from a position having a lower pay grade to a position having a higher pay grade. An employee may be promoted to a position within his department or to a position in another department. Appropriate consideration will be given to the qualifications, performance appraisals, conduct, and seniority of applicants for promotion.

(c) In filling a vacancy by promotion, the Human Resources Director shall administer a competitive examination which shall be open to all employees of the County 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 departments or may be limited to a single department 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 Department Head with the names of all persons in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates.

(d) In the event of a promotion, the Department 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 his rate of pay prior to promotion.

(e) No employee shall be given status in a promotional position until he shall have satisfactorily completed a qualifying for status period of six (6) months duration. During such qualifying period, the employee may be removed from such position by the Department Head when, in the judgment of the Department Head, he has not demonstrated his fitness for the position. If an employee fails to successfully complete the qualifying for status period, he 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 his promotion. The employee will be placed at the step and pay grade he would have been at had he not been promoted, including any step increase that would have occurred. However, the employee will not receive retroactive pay for any step increase that would have occurred during the qualifying for status period since, during that period, he had already experienced an increase in pay due to the promotion.

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

17.18 Longevity (Revised ~~9/11~~ 03/24)

Effective October 5, 2011, longevity pay for full and part-time status employees not covered by a ~~labor agreement~~collective bargaining agreement shall be frozen. Full and part-time status employees are not covered by a collective bargaining agreement that were receiving longevity pay on October 5, 2011, shall continue to receive the same amount or rate of longevity pay annually which such employees were eligible to receive on October 5, 2011. Full and part-time status employees not covered by a collective bargaining agreement who were receiving longevity pay on October 5, 2011 shall not progress to the next higher longevity pay rate, but shall remain at the same longevity pay rate which they were at on October 5, 2011, for the remainder of their employment with the County or until they transfer, promote, or demote to a position that is covered by a collective bargaining agreement, or an appointed or elected position, or until amendment of this provision. If the employee accepts a position covered by a collective bargaining agreement, or an appointed or elected position, the employee will no longer receive longevity pay, and will not be eligible to receive longevity pay if they return to a position not covered by a collective bargaining agreement. All full and part-time status employees not covered by a ~~labor~~ collective bargaining agreement, which have not completed five (5) full years of service with the County prior to October 5, 2011, or who are hired after October 5, 2011, shall not receive longevity pay. Longevity pay will be pro-rated based upon the total hours worked in each pay cycle for part-time status employees receiving longevity pay.



19.7 Special Leave (Revised 03/2024/20)

(a) Leave of absence without pay may be granted to status employees for a period not to exceed ninety (90) calendar days by a Department Head. The Department Head must approve the first thirty (30) days of absences. The Department Head and the Human Resources Director must approve ~~any~~the subsequent sixty (60) days of leave ~~in excess of thirty (30) calendar days.~~ All requests for leave of absence must be made in writing, to comply with Rule 19.1 (b).

(b) A Department Head, with approval of the Human Resources Director, may grant a status employee leave of absence without pay for a period not to exceed one (1) year for travel or study which will render the employee of greater value to the County upon his return to duty. Such leave shall be granted only when it will not result in undue prejudice to the interests of the County as an employer beyond any benefits to be realized. ~~No leave without pay shall be granted primarily in the interests of the employee except in the case of one who has shown by his record of service or by other evidence to be of more than average value to the County, and whose service it is desirable to retain even at such sacrifice.~~ Failure on the part of an employee on leave to report promptly at its expiration, without good cause, shall be considered as a resignation.

(c) Leave with pay for public health or safety duties of an emergency nature may be authorized by the Department Head upon approval of the Human Resources Director. Such leave will not be deducted from vacation or sick leave.

(d) In the event of an emergency as declared by the County Board (such as inclement weather) where an employee is unable to report for work, the employee may request and be granted accrued vacation leave, unused holiday time or authorized leave without pay, with the approval of the Department Head. Provisions may be made whereby attendance of essential or necessary employees is required.

## 19.8 Paid Parental Leave (Revised ~~5/23~~ 03/2024)

(a) Effective June 27, 2023, all ~~unrepresented~~Covered County Employees, -full-time and part-time County employees in the classified service, who are scheduled to work at least 20 hours or more, are eligible to receive up to 240 hours of paid parental leave following the birth of an employee's child/children or when a child/children is/are in the process of being adopted or placed into foster care with an employee.

For the purposes of this policy, the term "Covered County Employees" shall mean (1) all unrepresented, full-time and part-time County employees in the classified service, who are scheduled to work at least 20 hours or more, excluding temporary employees, seasonal employees, on-call employees, probationary employees, and interns; (2) all union-represented employees covered by a collective bargaining agreement that incorporates this paid parental leave policy; and (3) all currently eligible unrepresented employees who form a new bargaining unit and who have not yet finalized the terms of a collective bargaining agreement.

Part-time or alternate scheduled employees will receive prorated leave hours based on their regularly scheduled work week. Temporary employees, seasonal employees, on-call employees, probationary employees, and interns are not eligible for paid parental leave.

(b) Approved paid parental leave may be taken during the 12-month period immediately following the birth of an employee's child/children or when a child/children is/are in the process of being adopted or placed into foster care with an employee.

(1) Eligible employees must meet one of the following criteria:

- (i) Have given birth to a child/children;
- (ii) Be a spouse to a person who has given birth to a child/children or be the biological parent to a child/children that has/have been born;
- (iii) Be in the process of adopting a child/children who is/are 18 years old or younger, with the exception of adoption of a spouse's child/children;
- (iv) Be in the process of a foster care placement of a child/children who is/are 18 years old or younger.

(2) An employee is limited up to 240 hours, or a prorated number of hours for part-time employees, of paid parental leave in a rolling 12-month period regardless of the number of births, or placements for adoption or foster care.

(3) An employee may take paid parental leave intermittently or on a reduced leave schedule:

- i. With the Department Head's approval for bonding purposes. Employees requesting intermittent/reduced schedule leave for bonding purposes must work with the employer to schedule the leave so as not to unduly disrupt operations.
  - ii. With supporting medical documentation of a child/children's serious health condition.
- (4) Paid parental leave is compensated at the employee's regular rate of hourly pay.
- (5) Paid parental leave must be exhausted before an employee may utilize sick leave, vacation leave, or personal convenience holidays for the birth, adoption, or placement of a child/children with the employee.
- (6) If a Holiday as defined in Personnel Rule 18.1(a) occurs while the employee is on paid parental leave, the employee's absence on said holiday will be charged to holiday pay and will not count against the employee's paid parental leave entitlement.
- (7) Upon termination, retirement, resignation, or other separation from employment, employees will not be paid for any unused paid parental leave for which they were eligible.
- (c) An employee requesting paid parental leave shall complete FMLA paperwork or, if not FMLA eligible, the Paid Parental Leave Form at least 30 days prior to the proposed date of leave, or if the leave was not foreseeable, as soon as possible, and provide all documentation as required by the HR department to substantiate the request.
- (d) If an employee is eligible for Family and Medical Leave pursuant to the Family and Medical Leave Act (FMLA) Personnel Policy Bulletin, 2023-1, or becomes eligible for Family and Medical Leave at any time during paid parental leave, the paid parental leave shall run concurrently with FMLA leave and the FMLA Bulletin shall control the employee's use of leave.

# Human Resources Policy Bulletin

## Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

Reference:	Title:
Personnel Rule 17  Supersedes Human Resources Policy Bulletin 20195-1	OVERTIME PAY <u>AND COMPENSATORY TIME</u> POLICY

### OVERTIME PAY AND COMPENSATORY TIME

An DepartmentAgency Head may prescribe reasonable periods of overtime work to meet operating needs. Overtime pay may not be used to affect pay adjustments nor in payment for work that can be scheduled in a routine manner. Only employees allocated to non-exempt classifications are eligible to receive overtime pay. Overtime must be approved by the appropriate DepartmentAgency Head prior to it being worked.

Unless otherwise specifically provided for in a collective bargaining agreement or other provisions of this Human Resources Policy Bulletin, overtime shall be compensated by monetary payment and not time off, i.e. compensatory time. Any County DepartmentAgency wanting to authorize the use of compensatory time first must gain the written approval of the County Board and Human Resources DirectorOfficer, with the exception of employees in pay grades prefixed by "A", "G", "YJ", "D", or "YJ".

Overtime will be paid only if such time has been previously approved by the appropriate DepartmentAgency Head. No employee, by ~~his/her~~ their own volition will work any time prior to or immediately following their ~~his/her~~ normally scheduled working hours without the approval of ~~his/her~~ the employee's supervisor. No employee who is non-exempt will be permitted to conduct the County's business while on their authorized lunch break. Any employee who elects to forego ~~his/her~~ their authorized rest breaks shall not be entitled to payment for overtime for breaks not taken. An employee who, without supervisor approval, works either before or after ~~his/her~~ their scheduled hours or during an authorized lunch break, will be subject to progressive discipline. The employee's work week is hereby defined as Thursday at 00001 through the following Wednesday at 2359.

Employees in any of the classifications set forth in this Human Resources Policy Bulletin may work in more than one departmentAgency if approval to do so is granted, in writing, by both DepartmentAgency Heads, provided however, that in no event shall the total time in pay status exceed forty (40) hours per week, unless utilizing a 14 day work cycle as stated under the Fair Labor Standards Act (FLSA).

# Human Resources Policy Bulletin

Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

Reference:	Title:
Personnel Rule 17  Supersedes Human Resources Policy Bulletin 20195-1	OVERTIME PAY <u>AND COMPENSATORY TIME</u> POLICY

The County supports the concept of a flexible working schedule where it can be implemented by DepartmentAgency Heads in a manner which improves the delivery of services to the public. An essential requirement is that all work positions be adequately staffed during ~~the~~ normal business or regular hours. Where less than full-time (i.e., less than forty (40) hours per week) employees are used, they shall be paid at the straight time hourly rate established for their classification unless they exceed forty (40) hours per week which will be compensated at one and one-half (1½) times regular rate, unless otherwise specified by collective bargaining agreement or Personnel Rules. Flex time, ~~if must arranged, must be arranged occur~~ during the work week or hours-worked hours must be paid, ~~if it exceeds forty (40) hours~~.

The Human Resources Officer-Director will determine overtime pay eligibility and assign classifications to either non-exempt or exempt status. The Human Resources Officer-Director may develop a reporting system which will be used in all County DepartmentsAgencies to report overtime usage. DepartmentAgency Heads will be responsible for the proper administration of the overtime provisions.

## NON-EXEMPT CLASSIFICATIONS

Employees allocated to classifications identified in the pay plan index as non-exempt are eligible to receive pay for overtime work in accordance with the provisions of the Fair Labor Standards Act, this Human Resources Policy Bulletin, the applicable collective bargaining agreement, or the Lancaster County Personnel Rules.

### A.F.S.C.M.E. ('A' PAY GRADES) EMPLOYEES IN PAY GRADES PREFIXED BY "A" NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours in any per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the DepartmentAgency Head or Agency Head's designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

# Human Resources Policy Bulletin

Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

Reference:	Title:
Personnel Rule 17  Supersedes Human Resources Policy Bulletin 20195-1	OVERTIME PAY <u>AND COMPENSATORY TIME</u> POLICY

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during ~~their~~his off-duty time, and such time does not merge with ~~their~~his normally scheduled ~~shift~~work week, ~~such~~the employee will be paid at a rate of one and one half (1½) times at the regular hourly rate for a minimum of two (2) hours ~~at the rate of time one and one-half (1 ½) times his regular hourly pay or~~ one and one-half (1 ½) times for the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the Department~~Agency~~ Head. If the request is approved by the Department~~Agency~~ Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. A maximum accrual of compensatory time shall be ~~forty-five (45)~~ forty-five (45) hours.

## A.F.S.C.M.E. ('G' PAY GRADES) NON-EXEMPT CLASSIFICATIONS EMPLOYEES IN PAY GRADES PREFIXED BY "G"

Work performed by employees in excess of forty (40) hours ~~per~~in any work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work will be allowed without prior approval by the Department~~Agency~~ Head or Agency~~Head's~~ designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which ~~will~~shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during ~~their~~his off-duty time, and such time does not merge with ~~their~~his normally scheduled ~~work week~~shift, ~~such~~the employee ~~will~~shall be paid at a rate of one and one half ( 1 ½) times the regular hourly rate for a minimum of two (2) hours ~~at the rate of time one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times~~ or for the actual number of hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

# Human Resources Policy Bulletin

Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

Reference:	Title:
Personnel Rule 17  Supersedes Human Resources Policy Bulletin 20195-1	OVERTIME PAY <u>AND COMPENSATORY TIME</u> POLICY

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the DepartmentAgency Head. If the request is approved by the DepartmentAgency Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. A maximum accrual of compensatory time shall be thirty-seventy (~~73~~0) hours.

FRATERNAL ORDER OF POLICE, LODGE 77 ('Y' PAY GRADES) NON-EXEMPT CLASSIFICATIONS EMPLOYEES IN PAY GRADES PREFIXED BY "Y"

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the DepartmentAgency Head or his Agency Head's designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave and time spent in negotiations, which shall not count as hours worked for the purpose of computing weekly overtime.

For employees working twelve (12) hour shifts, work performed in excess of eighty (80) hours in any fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the DepartmentAgency Head or Agency Head's designee. All paid leaves of absence ~~shall~~will be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during their~~his~~ off-duty time, and such time does not merge with his~~the employee's~~ scheduled work week, the employee will be paid at a rate of one and one half (1 ½) times the regular hourly rate for a minimum of two (2) hours ~~at the rate of time one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times or for~~ the actual number of hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

# Human Resources Policy Bulletin

Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

Reference:	Title:
Personnel Rule 17  Supersedes Human Resources Policy Bulletin 20159-1	OVERTIME PAY <u>AND COMPENSATORY TIME</u> POLICY

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the Department Agency Head. If the request is approved by the Department Agency Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. An employee shall not accumulate more than forty (40) hours of compensatory time. A maximum accrual of compensatory time shall be forty (40) hours.

FRATERNAL ORDER OF POLICE, LODGE 32 ('J' PAY GRADES) NON-EXEMPT CLASSIFICATIONS EMPLOYEES IN PAY GRADES PREFIXED BY "J"

Work performed by employees in excess of eighty-six (806) hours in any fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Agency Head or Agency Head's designee. The Department Agency will develop a standard operating procedure for the granting of voluntary ~~and~~, mandatory, and emergency overtime.

Vacation leave, personal holiday hours, and holiday ~~leaves pay, sick leave, compensatory time, and any other non-working time will not count as hours worked for the purpose of computing weekly overtime. shall be counted as hours worked in computing overtime with the exception of sick leave and compensatory time, which will not count as hours worked for purposes of computing weekly overtime.~~

If an employee is called to duty during ~~their~~his off-duty time, and such time does not merge with the employee'shis normally scheduled ~~shift~~tour of duty, the employee will be paid at a rate of one and one half (1 ½) times the regular hourly rate for a minimum of two (2) hours ~~at a rate of one time and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times theor for~~ actual number of hours worked, whichever is greater. This premium pay does not apply to time accrued while attending the Academy, ~~make up~~make-up training or voluntary training. In such cases, all call-back hours will be paid as overtime regardless of the number of paid leaves of absence during the employee's work week.



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Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

Reference:	Title:
Personnel Rule 17  Supersedes Human Resources Policy Bulletin 201 <u>95</u> -1	OVERTIME PAY <u>AND COMPENSATORY TIME</u> POLICY

In lieu of payment for overtime hours worked, the employee may notify the DepartmentAgency that overtime shall be converted to compensatory time. One and one half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. The employee's ~~compensatory~~ bank may not exceed a total of seventy-six (76) hours of compensatory time.

UNREPRESENTED ('C' PAY GRADES) AND EXCLUDED E ('E' PAY GRADES) NON-EXEMPT CLASSIFICATIONSNON-EXEMPT EMPLOYEES IN PAY GRADES PREFIXED BY "C" or "E"

Work performed by employees in excess of forty (40) hours in any work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the DepartmentAgency Head or Agency his designeehead's designee. In accordance with 29 U.S.C. § 207 (k), work performed by Corrections-Sergeant employees in excess of eighty-six (86) hours in the fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular rate of the employee.

All paid leaves of absence shall be computed as hours worked in computing overtime, with the exception of sick leave, injury leave, and legal holiday pay, which shall not count as hours worked for the purpose of computing overtime.

~~If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.~~

## EXEMPT CLASSIFICATIONS

Employees who are determined to be Exempt from the requirements of the Fair Labor Standards Act and who are identified in the pay plan index as exempt are presumed to be paid for the complete job and are not eligible to receive compensation for additional hours. Employees may work more or less

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than forty (40) hours per week at the discretion of the DepartmentAgency Head. In addition, an DepartmentAgency Head may grant additional time off in recognition of extra work but under no circumstance will time be granted on a one-for-one basis or hours counted after forty (40) per week. Exceptions to this overtime policy may be granted by the Human Resources Officer-Director when requested by the DepartmentAgency Head after demonstrating the exception to this policy is in the best interest of the County.

## UNCLASSIFIED SERVICE

Employees in the unclassified service, with the exception of those in pay grades prefixed by "D" represented by the Deputy Sheriffs Association, are not eligible to receive compensation for work in excess of forty (40) hours per week, and are not covered by this Human Resources Policy Bulletin.

## EXEMPT AND NON-EXEMPT CLASSIFICATIONS

~~For a current listing of Exempt and Non-Exempt Classifications, please refer to the City-County home page at www.lincoln.ne.gov. Under Lancaster County, click on 'County Agencies'. Click on 'Human Resources Department.' Under County, click on 'Pay Plans.' Finally, click on 'Alphabetic-Title Listing.' This listing will be updated as changes occur.~~

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Barb McIntyre  
Human Resources Director

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Date

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Sean Flowerday, Chair  
Board of County Commissioners

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Date

# Human Resources Policy Bulletin

## Lancaster County

Number: 202419-1

Date: March, 2024~~May, 2019~~

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November 14, 2023

## VIA EMAIL

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RE: APPEAL OF CARRIE HUTSELL AND FOP #32

Dear Ms. McIntyre,

This firm represents Fraternal Order of Police, Lodge #32 and Corrections Officer Carrie Hutsell ("Grievants"). On November 9, 2023, Lancaster County Department of Corrections Director Brad Johnson issued Officer Carrie Hutsell a letter suspending her without pay for one (1) day. A true and correct copy of the disciplinary action letter is attached hereto.

Pursuant to Article 8, Section 2 of the bargaining agreement between Lancaster County and FOP #32, Grievants hereby give notice of their appeal of the suspension to the Personnel Policy Board, for the reason that the suspension of Officer Hutsell is: not supported by just cause; is not necessary to correct employee behavior; is not proportionate to the actions alleged; is not consistent with prior discipline; is not consistent with the work requirements and expectation of male employees; is not based upon the violation of an order that is reasonably related to the orderly, efficient, and safe operation of the Department's operations or performance that the Department might properly expect the employee; is not progressive; is not an evenhanded penalty; is discriminatory; fails to give consideration to mitigating factors; is arbitrary and capricious; and does not consider the employee's prior work history.

At the Lancaster County Department of Corrections, it is now Director Brad Johnson's *unwritten* requirement that female Corrections Officers walk through male inmates' shower and bathroom areas to perform safety and security checks. This



requires female officers to walk through these areas alone, in the presence of disrobed male inmates, without video monitoring. Female Officers are now required to do so even if male inmates object to their presence, and even if the female officer sees male inmates are naked through the window before entering the bathing and restroom area. Director Johnson has instituted this requirement despite numerous reports of inmates exposing their genitalia to female Officers in male housing units, often without being disciplined by the Department for their conduct.

Critically, Director Johnson's expectations for male Corrections Officers is **entirely different**. Director Johnson *prohibits* male Corrections Officers from even entering female inmates' housing pods without the presence of a female Corrections Officer, and male Corrections Officers are barred from entering female inmates' shower areas. Director Johnson's stated reason for this difference is that, in his experience, male Officers are more likely to sexually assault female Officers. Despite that rationale, Director Johnson appears wholly indifferent to the risk of female Officers being sexually assaulted by nude male inmates in non-video-monitored shower areas.

In September 2023, Officer Hutsell performed "manual" rounds—i.e., she made verbal or visual contact with male inmates in the shower and bathroom areas without walking completely through the area and scanning an electronic device ("puck") at the end of the shower area—at certain times in male shower/restroom areas because: male inmates noted they were uncomfortable with her presence in the shower area; Officer Hutsell saw nude male inmates standing in the shower area; and inmates invited Officer Hutsell into the shower area with them. Officer Hutsell documented all this in emails to her supervisor. On September 28, 2023, Officer Hutsell also sent an email to her supervisor voicing the following concerns:

I do not feel comfortable entering bathrooms when I could be grabbed and assaulted in the bathrooms. I also don't want to have an inmate accuse me of doing things to them while they are naked and showing and it becomes their word against mine. All times I either opened the door and looked in the bathrooms or was able to look above the door and see what was taking place in the bathroom. At no time did I just walk past the bathrooms and not monitor what was going on. I also spoke with [] all the inmates in the bathrooms through the doors ensuring that they were all able to speak and not in distress.

On or about October 16, 2023, Director Johnson proposed to suspend Officer Hutsell for one (1) day failing to scan the pucks in male shower/bathing areas.

Director Johnson held a pre-disciplinary hearing with Officer Hutsell and her representatives on October 24, 2023. During that meeting, Director Johnson acknowledged the stark difference in his expectations for male and female Officers with respect to conducting rounds in inmate shower and restroom areas. Director Johnson also disregarded concerns raised under the Prison Rape Elimination Act, 28 CFR § 115.15 ("PREA"). PREA states that correctional facilities "shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change

clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.”<sup>1</sup>

Director Johnson also conceded nothing *prohibits* male Officers from doing rounds in female inmates’ showers but Director Johnson has decided to draw a “hard line” and prohibit males from doing so. Director Johnson also analogized this situation to his requirement that female Officers perform pat search on male inmates while male Officers are not required to pat search female inmates. He acknowledged that during such pat searches, female Officers are required to “feel” inmates’ genitalia. Director Johnson said he would require female Officers to do pat searches of inmates even if an inmate objected because he does not “really care what an inmate wants.” At the conclusion of the meeting, Director Johnson told Officer Hutsell: “You work here at a male facility. This is a requirement. It’s the expectation. I expect you to do it.” The Department of Corrections houses both males and females; it is not solely a “male” facility. Furthermore, there are far more male Officers than female Officers at the Department of Corrections. It is possible for Director Johnson to require male Officers (only) to do rounds in male shower and bathroom areas but Director Johnson has, instead, forced female Officers to do rounds in male inmates’ showers and bathrooms.

On November 9, 2023, Director Johnson suspended Officer Hutsell for one (1) day without pay, and warned her that a repeated “violation” could result in “more severe disciplinary action or discharge of [her] employment by the County.” Thus, Director Johnson has suspended Officer Hutsell because she did not perform an action—conducting rounds in the showers/bathrooms of the opposite sex—Director Johnson *prohibits* male Officers from doing. In doing so, Director Johnson discounted and disregarded all safety concerns Officer Hutsell and her representatives raised.

Sincerely,

/s/Thomas P. McCarty  
Thomas P. McCarty

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<sup>1</sup> There is nothing “incidental” about encountering naked men in a shower area.



LANCASTER COUNTY  
EMPLOYEE SUSPENSION NOTICE

Carrie Hutsell  
Name (Please Print)

300221  
Oracle Person Number

November 9, 2023  
Date

Corrections Officer  
Classification

Corrections  
Department

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

Period of Suspension:

To Begin: Date 11/29/2023 Time 0645

To End: Date 11/29/2023 Time 1515

You are to return to work: Date 11/30/2023 Time 0645

VIOLATION

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

1. Lancaster County Personnel Rule 11.2 (h)(5), "The employee has violated any department, division, or institution regulation or order..."; and
2. 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."; and
3. 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 departmental policies, post orders and similar legitimate job requirements."; and
4. Lancaster County Department of Corrections Policy 6.1 (A) (5), "A completed Safety and Security Round shall mean the Staff Member took sufficient time to survey the entire area to determine that all inmates are safe and well."; and
5. Lancaster County Department of Corrections Policy 6.1 (A) (6), "All Safety and Security Rounds will be properly documented, in accordance with approved procedures."; and
6. Lancaster County Department of Corrections Policy 6.1 (B) (1), "At a minimum, Correctional Officers will complete a round of their area of responsibility every 30 minutes."; and
7. Lancaster County Department of Corrections Facility Procedure 6.H.1 (A), "Ground Floor Roving Officers will conduct a physical check of all dormitories (A1-F2) and the Laundry (unless completed by a PSW Officer) at least every 30 minutes."; and
8. Lancaster County Department of Corrections Facility 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."; and
9. Lancaster County Department of Corrections Facility 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."; and
10. Lancaster County Department of Corrections Facility Post Orders, "Ground Floor/Work Release Officers Post Orders", Section I (B), "The Ground Floor Officers will supervise the ground floor during their assigned shift. They will be aware for rules violation, breaches of security, and the safety and well-being of inmates and staff."; and
11. Lancaster County Department of Corrections Facility Post Orders, "Ground Floor/Work Release Officers Post Orders", Section II (A), "Ground Floor Officers will maintain the security of their assigned post and control of inmates at all times."; and
12. Lancaster County Department of Corrections Facility Post Orders Section II (F), "Ground Floor Officers are responsible for making rounds every 30 minutes in dorms A1-F1 (See Procedure 6.H.1)".

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

On September 8, 2023, you were assigned as Ground Floor Rover 1. At approximately 0910 hours, you informed Sgt. Manning that you had performed manual safety and security rounds in the inmate restrooms in A1 at 0826 and 0903 hours and in A2 at 0730 hours. You stated that you did not perform a safety and security round in the inmate restroom in A1 at 0758 hours. You told Sgt. Manning that you sent him two emails at 0808 and 0842 hours stating the following: A2 – 0730 – 4 guys in the bathroom; A1 – 0800 – someone getting out of shower; A1 – shower – naked man in bathroom.

On September 27, 2023, you were counseled by Sgt. Manning regarding the improper completion of manual rounds in the A1 and A2 restrooms. At that time, you were instructed that you were expected to complete your safety and security rounds according to Lancaster County Department of Corrections policy and procedure using the PDA.

On September 28, 2023, you were assigned as Ground Floor Rover 1. You again completed multiple improper/incomplete safety and security rounds in the male restrooms in the A1, A2, C1, and D2 dorms throughout the course of your shift. On September 29, 2023, you sent an e-mail to Sgt. Wrinkle containing your perceived justifications for completing improper/incomplete safety and security rounds in these areas.

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Corrective action to be taken by employee to avoid more severe disciplinary action:

In the future, you will conduct safety and security rounds according to policy and procedure.

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

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SIGNATURES:

Supervisor(s):

Dale Z. Bitt II

Date: 11/8/23

Department Head:

P. C. Gray  
Bruce Johnson

Date: 11-08-2023

Date: 11-9-23

Employee:

A. H.

Date: 11/9/23

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Rev: 07/2021