

AUG 10 2009

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING)
RULE 11.2(f) OF THE LANCASTER)
COUNTY PERSONNEL RULES AND)
PERSONNEL POLICY BULLETIN 98-1,)
LOSS OF DRIVING PRIVILEGES)
POLICY, AS PROVIDED IN)
ATTACHMENTS "A" AND "B")

RESOLUTION NO. R-09-0058

WHEREAS, the Board of County Commissioners of Lancaster County has previously adopted the Lancaster County Personnel Rules in accordance with Neb. Rev. Stat. § 23-2525; and

WHEREAS, the County Board has received a request from the Lincoln-Lancaster County Personnel Department to amend Rule 11.2(f) of the Lancaster County Personnel Rules, as provided in Attachment "A"; and

WHEREAS, the County Board has also received a request from the Lincoln-Lancaster County Personnel Department to amend Personnel Policy Bulletin 98-1, Loss of Driving Privileges Policy, as provided in Attachment "B"; and

WHEREAS, on August 6, 2009, after a public meeting, the Lancaster County Personnel Policy Board voted to recommend approval of said amendments in Attachments "A" and "B."

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the Lancaster County Personnel Rules and Personnel Policy Bulletin 98-1 be amended as provided in Attachments "A" and "B."

BE IT FURTHER RESOLVED, that any other references in said Personnel Rules which may be affected by the above specified amendments be amended to conform to such specific amendments.

DATED this 18 day of August, 2009, at the County-City Building, Lincoln, Lancaster
County Nebraska.

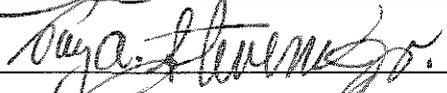
BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 18 day of August, 2009.

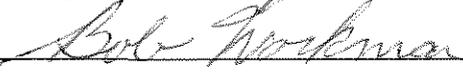


Deputy County Attorney
For GARY E. LACEY
Lancaster County Attorney











Request for Approval

from

Lancaster County Board of Commissioners

TO: Bernie Heier, Chair

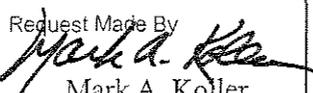
RE: Personnel Policy Board Recommendations

The Lancaster County Personnel Policy Board, at their August 6, 2009 meeting voted to recommend to the Board of Commissioners for approval:

Amend Rule 11.2 of the Personnel Rules – Reprimand, Suspension, Dismissal, Investigative Leave, and Demotion.

Revision to Loss of Driving Privileges Personnel Policy Bulletin.

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Date of Commissioners Meeting August 18, 2009	Request Made By  Mark A. Koller	Department Personnel	Date August 6, 2009
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**11.2 Reprimand, Suspension, Dismissal, Investigative Leave, and Demotion (Revised 9/01
8/09)**

(a) The Department Head shall issue to the employee a notice in writing that his performance is unsatisfactory. This may take the form of a periodic performance evaluation.

(b) Disciplinary action shall consist of written reprimand, suspension, demotion and/or dismissal. A Department Head may reprimand, suspend, demote and/or dismiss an employee for just cause.

(c) Reprimand: A Department Head may reprimand an employee for cause. Such reprimand shall be in writing and addressed and presented to the employee for signature. A signed copy or a notation of an employee's signature refusal shall be delivered to the Personnel Department for inclusion in the employee's personnel file. A status employee may submit an explanation or rebuttal which also shall become a part of his personnel file. Reprimands may not be appealed to the Board. However, a status employee may appeal the reprimand directly to the Personnel Officer. The appeal shall be presented within fifteen (15) working days of receipt of the reprimand. The response to the appeal shall be in writing and shall be issued within fifteen (15) working days of receipt of the appeal. The written decision on the appeal shall be final and binding upon the parties. A status employee may present a written rebuttal to the final decision regarding the appeal within fifteen (15) working days of the date of the decision which shall be attached to and become a part of the file pertaining to the appeal. The rebuttal shall be delivered to the Personnel Department and a copy transmitted by the Personnel Department to the Department Head.

(d) Suspension: A Department Head may suspend an employee without pay for cause for a period or periods not exceeding thirty (30) working days in any twelve (12) months; however, no single suspension shall be for more than fifteen (15) working days. Prior to a suspension, the Department Head shall notify the employee in writing that he is proposing to suspend the employee and the reasons for the suspension. The employee shall then be given an opportunity to present his side of the story at a meeting with the Department Head or designated supervisor. The employee shall have an opportunity to be represented at the meeting if he desires. After considering all of the information presented, including any mitigating factors, the Department Head shall inform the employee of his decision. If the Department Head determines just cause exists for suspension, the Department Head shall furnish the employee and the Personnel Officer, not later than one (1) working day of such action, with a written statement of the reason for and duration of the suspension. Any status employee who is suspended may appeal for a hearing, in writing, to the Board within fifteen (15) working days of notice of suspension. Nothing in this section shall prevent a Department Head from electing to administer discipline more lenient than what was originally proposed.

(e) Dismissal: A Department Head may dismiss any status employee for cause. Prior to a dismissal, the Department Head shall notify the employee in writing that he is proposing to dismiss the employee and the reasons for the dismissal. The employee shall then be given an opportunity to present his side of the story at a meeting with the Department Head or designated supervisor. The employee shall have opportunity to be represented at the meeting if he desires. After considering all of the information presented, including any mitigating factors, the Department Head shall inform the employee of his decision. If the Department Head determines just cause exists for dismissal, the Department Head shall furnish the employee and the Personnel Officer, not later than one (1) working day of such action, with a written statement of the reasons for dismissal. Any employee who is dismissed may appeal, in writing, to the Board within fifteen (15) working days of notice of dismissal. Nothing in this section shall prevent a Department Head from electing to administer discipline more

lenient than what was originally proposed.

(f) Investigative Leave: Upon being informed that an employee has been accused of behavior which, if substantiated, would be cause for dismissal, the Department Head shall have the option of placing an employee on investigative leave ~~with~~ without pay for a period not to exceed thirty (30) calendar days for the purpose of investigating the accusation. If the Department Head determines just cause exists to dismiss the employee, he shall notify the employee of the results of his investigation and follow the procedure outlined in Rule 11.2(e). If the Department Head determines just cause exists to suspend the employee, he shall notify the employee of the results of his investigation and follow the procedure outlined in Rule 11.2(d). If the Department Head determines that the accusation cannot be substantiated or does not constitute cause for dismissal, the employee will be reinstated and awarded back pay for any portion of the suspension time not imposed as disciplinary action.

(g) Demotion: A Department Head may demote an employee for just cause in accordance with Rule 9.3. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class and shall not be made if a status employee in the lower class will be laid off by reason of the action. Any status employee who is demoted for cause may appeal for a hearing, in writing, to the Board within fifteen (15) working days of notice of such action.

(h) Just causes for dismissal, demotion or suspension include but are not limited to the following:

- (1) The employee has been convicted of a felony or crime which renders him unfit to perform the duties of his position.
- (2) The employee has willfully, wantonly, unreasonably, unnecessarily, or through culpable negligence, has engaged in brutality or cruelty to a resident of an institution, to a person in custody, or to other persons, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.
- (3) The employee has violated any of the provisions of these Rules.
- (4) The employee has engaged in any action unbecoming an officer or employee of the County which reflects on the County adversely.
- (5) The employee has violated any department, division, or institution regulation or order, or failed to obey any proper direction made and given by a supervisor.
- (6) The employee uses intoxicating beverages to excess or unlawfully uses a controlled substance; or is under the influence of alcohol or is unlawfully under the influence of a controlled substance while on duty.
- (7) The employee has been insubordinate to his supervisor.
- (8) The employee has been incompetent or inefficient in the performance of the duties of his position.
- (9) The employee has been careless or negligent with the monies or other property

of the County.

(10) The employee has used or threatened to use, or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay rate or character of work.

(11) The employee has induced or has attempted to induce an officer or employee of the County to commit an unlawful act or to act in violation of any department, division, or institution regulation or order.

(12) The employee has taken for his personal use from any person any fee, gift, or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

(13) The employee has engaged in outside business activities on government time, or has used County property for such activity.

(14) The employee has failed to maintain a satisfactory attendance record.

(15) The employee has been absent from duty without leave contrary to these Rules, or fails to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and cancelled by the proper authority.

(16) The employee has made a false statement, misrepresentation or omission of material fact on his job application or resume.

(i) The provisions of Nebraska State Laws are applicable in any disciplinary investigation of employee behavior.

Request for Approval

from

Lancaster County Board of Commissioners

TO: Bernie Heier, Chair

RE: Personnel Policy Board Recommendations

The Lancaster County Personnel Policy Board, at their August 6, 2009 meeting voted to recommend to the Board of Commissioners for approval:

Amend Rule 11.2 of the Personnel Rules – Reprimand, Suspension, Dismissal, Investigative Leave, and Demotion.

Revision to Loss of Driving Privileges Personnel Policy Bulletin.

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Date of Commissioners Meeting	Request Made By	Department	Date
August 13, 2009	 Mark A. Koller	Personnel	August 6, 2009

Personnel Policy Bulletin

Lancaster County

Number: 98-12009-2

Date: November 2,

1998 August, 2009

Reference:	Title:
Supersedes Personnel Policy Bulletin 97-3 98-1	LOSS OF DRIVING PRIVILEGES POLICY
Nebraska Revised Statutes §§ 60-6,196 - 60-6,211.05	

Many positions in the classified service of Lancaster County require possession of a valid, current Nebraska motor vehicle operator's license to engage in the operation of a County vehicle as a regular part of the job. Each employee holding a position for which a valid, current motor vehicle operator's license is required has the responsibility to report the loss of an operator's license and/or driving privileges as soon as such loss occurs. *Failure to promptly report the loss of driving privileges will result in discipline up to and including termination.* This applies *any time driving privileges are revoked, suspended or limited in any way by any court or the Nebraska Department of Motor Vehicles or any other administrative agency of the State of Nebraska or any other state or jurisdiction.*

Lancaster County realizes that on occasion employees may temporarily lose their driving privileges. It is the County's desire to assist such employees and to protect the County's investment in trained and experienced personnel. In this regard, Lancaster County is prepared to make certain accommodations when it is possible.

The following guidelines shall apply from this date forward be effective on the date of execution by the Lancaster County Board of Commissioners and the Personnel Director:

1. If an employee who is in a position which requires the possession of a valid motor vehicle operator's license to satisfactorily perform the duties of the job loses his/her motor vehicle operating license for a specific period of time; and if the employee promptly reports such loss to his/her supervisor; then management will meet with that employee and review all the circumstances surrounding such loss.

2. When an employee promptly reports the loss of his/her motor vehicle operating license to his/her supervisor, or the department discovers the loss of driving privileges otherwise, the department head shall notify the County's Risk Manager. The Risk Manager shall subsequently notify the County's automobile insurance provider of the employee's loss of driving privileges.

3. In accordance with Nebraska Revised Statutes §§ 60-6,196 through 60-6,211.05, an employee whose position does not require a commercial driver's license (CDL) and who is subject to automatic license revocation for 90 days must apply for and receive an employment driving permit after 30 days in order to drive while at work pending a final determination by the court. The ability to drive at work with an employment driving permit is contingent upon being insurable under the County's automobile insurance policy. An employee whose position does require a commercial drivers license (CDL) is not eligible for an employment driving permit (See Nebraska Revised Statutes § 60-4,129) and must therefore obtain leave without pay in accordance with Paragraph 3-4 below.

4. If the loss of operating privileges is for a period of time of 90 days or less including the automatic license revocation period, then the employee will be relieved of duty for the duration of the loss unless they are the employee is eligible to receive a driving permit and the employee is insurable under the County's automobile insurance policy. The employee will be allowed to utilize accrued vacation time and personal holidays during the time the employee is relieved of duty. Additionally, if

Personnel Policy Bulletin

Lancaster County

Number: 98-12009-2

Date: November 2,
1998 August, 2009

Reference: Supercedes Personnel Policy Bulletin-97-3 98-1 Nebraska Revised Statutes §§ 60-6,196 - 60-6,211.05	Title: LOSS OF DRIVING PRIVILEGES POLICY
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the loss is the result of a ~~DWI~~-DUI conviction and the employee is attending as scheduled treatment with a certified alcohol and drug counselor, licensed mental health professional or medical practitioner while relieved of duty or the loss is related to a temporary medical disability, accrued sick leave may be utilized by the employee. The balance of the duration of the loss not covered by vacation and/or sick leave may be covered by a county-approved leave without pay when requested in writing by the employee.

45. If the loss of operating privileges is for a period of time longer than 90 days including the automatic license revocation period, the employee will be relieved from duty and will be immediately separated subject to separation from the County service upon satisfaction of all necessary administrative requirements, except as provided in Paragraph (56). Likewise, if an employee is not insurable under the County's automobile insurance policy for a period of time longer than 90 days, the employee will be relieved from duty and subject to separation from the County service upon satisfaction of all necessary administrative requirements, except as provided by Paragraph (6).

56. If the loss of operating privileges is for longer than 90 days, or if the employee is not insurable under the County's automobile insurance policy for a period of time longer than 90 days, and there exist vacant positions within the County service, the employee will be allowed to make application for those positions for which he/she possesses all the current necessary qualifications whether the positions applied for are in higher or lower classifications or would constitute a lateral transfer. Additionally, if the loss of license is for 90 days or less and the employee does not wish to utilize the provisions of Paragraph (34) herein, the employee may apply to vacant positions within the County service for which he/she possesses all the current necessary qualifications whether the positions applied for are in higher or lower classifications or would constitute a lateral transfer. In the event the employee has demoted, the employee will not be able to move back to their previous position of employment until there is an opening in the higher classification, the employee's driving privileges have been restored, the employee is insurable under the County's automobile insurance policy, and the employee has applied for the position in the higher classification. Applications for vacant positions made in accordance with this paragraph will be reviewed on an equal basis with all other applications and no special consideration will be given to any current employee who has suffered a license suspension or revocation.

Linda Steinman Bernie Heier, Chair
County Board of Commissioners

Date

Ron Todd Mark A. Koller
Personnel Administrator Director

Date