

**STATE OF NEBRASKA
LANCASTER COUNTY SHERIFF'S OFFICE
MERIT SYSTEM
RULES AND REGULATIONS
PURSUANT TO THE REQUIREMENTS
OF SECTIONS 23-1721 THROUGH 23-1736
NEBRASKA REVISED STATUTES**

I hereby certify this to be a true copy of the original rules and regulations of the
Lancaster County Sheriff's Office Merit Commission.

Dated this ____ day of _____, 2013

TERRY T. WAGNER, Lancaster County Sheriff
Merit System Director

MERIT COMMISSION
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ARTICLE I – STATEMENT OF POLICY AND DEFINITIONS

SECTION 1: STATEMENT OF POLICY (N.R.S. 23-1721)

1. It shall be the policy of the Lancaster County Sheriff's Office to provide equal opportunity for all qualified persons to compete for positions.
2. It shall be the policy of the Lancaster County Sheriff's Office to make possible a career service by making promotions based on efficient performance of duties and appointment to the promotional eligibility list based on merit examination and providing tenure in office for those who give satisfactory performance.

SECTION 2: DEFINITIONS (Revised/alphabetized 2005)

1. "Acceptable Applicant" means any applicant that has passed all merit system requirements.
2. "Agency" means the Lancaster County Sheriff's Office.
3. "Class" means any group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill and such other characteristics that the same title and the same test of fitness may be applied to each position in the group.
4. "Classified Service" includes all deputy sheriffs, excluding the Chief Deputy Sheriff and non-sworn (civilian) employees. (N.R.S. 23-1726)
5. "Commission" means the Lancaster County Sheriff's Office Merit Commission, as provided by Article II.
6. "Demotion" shall mean a change in status of an employee from a position in one class to a position in another class having a lower entrance salary or rank.
7. "Deputy Sheriff" means all persons appointed by the Sheriff and sworn to enforce the laws of Nebraska, excluding the Chief Deputy Sheriff. (N.R.S. 23-1730)
8. "Director" means the Merit System Director, as provided by Article II.
9. "Dismissal" means the termination of employment of an employee for cause.
10. "Division" means any subdivision of the Lancaster County Sheriff's Office as designated by the Sheriff.
11. "Employee" means any person in the employ of the Lancaster County Sheriff's Office who is a member of the classified service and is paid a salary or wage.
12. "Examination" means the total process of testing an applicant for employment or promotion.
13. "Grievance" is defined as any disagreement concerning the interpretation or application of the labor agreement between Lancaster County and the Lancaster County Deputy Sheriff's Association, personnel rule, state or local law, or Standard Operating Procedure of the Lancaster County Sheriff's Office. (N.R.S. 23-1734 (2)).
14. "Non-acceptable Applicant" is any applicant that has not passed all merit system requirements.
15. "Permanent Employee" means an employee whose permanent retention has been approved at the completion of a probationary period.

16. "Personnel Director" means the Sheriff of Lancaster County, who shall be the personnel director of the Lancaster County Merit System. (N.R.S. 23-1729)
17. "Probationary Period" means the first twelve months of employment beginning with the date of appointment.
18. "Promotion" means a change in status of an employee from a position in one class to a position in another class having a higher entrance salary or rank.
19. "Resignation" means the termination of employment at an employee's request.
20. "Salary Advancement" means an increase in salary within the salary range prescribed for the class by the Lancaster County Sheriff's Office compensation plans.
21. "Secretary of Commission" shall mean the Sheriff of Lancaster County.
22. "Temporary Appointment" means an appointment for a period not to exceed sixty (60) days, as described in Article VIII, Section 3, Paragraph 11.
23. "Transfer" means a change from one position to another in the same class or from one division to another division having same entrance salary.

ARTICLE II – ORGANIZATION FOR MERIT SYSTEM

SECTION 1: MERIT SYSTEM COMMISSION (N.R.S. 23-1723.01)

1. The Lancaster County Sheriff's Office Merit Commission shall consist of three members:
 - A. One member shall be a duly-elected County Official appointed by the Board of County Commissioners. One member shall be a Lancaster County Deputy Sheriff elected by the Lancaster County Deputy Sheriffs. The third member shall be selected by the presiding Judge of the Third Judicial District and shall be a public representative who is a resident of the County and neither an official nor employee of the County. All commission members shall be eligible for reappointment.
 - B. The three members shall be appointed to the Commission for a term of three years in overlapping terms. Each term will expire December 31 of the third year.
 - C. Any person appointed or elected to the Merit Commission Board who fails to take an active interest, or misses three consecutive meetings without good cause, and no longer meets the qualifications of election or appointment, may have their position declared vacant by the Commission, and new appointments made or elections held, as provided by statute.
 - D. A person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed in the same manner as the original appointment and for the remainder of such term.
 - E. The members of the Commission shall not receive a salary for their services but shall be reimbursed for such necessary expenses and mileage as may be incurred in the actual performance of their duties. (N.R.S. 23-1724)
2. It shall be the duty of the Commission within the scope of these regulations and the state statutes:

- A. To establish general policies for the administration of merit examinations and the hearing of personnel appeals, as provided in Article XI.
 - B. To advise the Merit Commission Director in formulating procedures for the conduct of merit examinations. The Commission shall have the right to inspect and review all of his or her activities for the purpose of assuring conformity with these regulations and policies of the Commission.
 - C. To make recommendations to the Personnel Director relative to the internal personnel practices, to assure conformity with these regulations.
 - D. To approve a budget for submission to the Lancaster County Sheriff's Office covering all costs of the Merit Commission's activities covered by these regulations. The expense for administration of the Merit System shall be paid by the Lancaster County Sheriff's Office.
 - E. To establish general policies for the custody and disposition of application examination papers and other records used in the Merit System program.
3. Within 30 days after the effective date of these regulations and before July 31 of each year, the Commission shall hold a meeting and elect a chairman for its membership. Two members shall constitute a quorum for the transaction of business.
 4. The commission shall hold quarterly meetings and shall designate the time and place thereof. It shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings and records of the Commission shall be public, except as otherwise provided by law. (N.R.S. §23-1725)
 5. The Sheriff of Lancaster County or his authorized representative shall act as Merit Commission Director and Secretary, whose duty it shall be to attend all meetings and keep a record of its official actions and minutes. The record shall reflect the time and place of each meeting, names of board members present, names of witnesses to the meetings, record the votes of each member, except when the acts are unanimous, and record a board member's dissenting vote. The Personnel Director shall cause the minutes to be transcribed and presented to the board members at the next scheduled meeting for approval. A copy shall be posted on the Sheriff's Office bulletin board and shall be made available for public inspection. Meetings of the Commission shall be held as often as necessary and practicable and at least every three months upon call of the Chairman of the Commission.

SECTION 2: COMMISSION POWERS AND DUTIES (N.R.S. 23-1727)

The powers and duties of the Commission shall be as follows:

1. To adopt rules not inconsistent with the provisions of Sections 23-1721 to 23-1736, for the examination and selection of persons to fill the office and positions in the classified service which are required to be filled by appointment and for the selection of such persons to be employed in the classified service of the office of the Sheriff.
2. To supervise the administration of the Merit System Rules, hold examinations thereunder from time to time, giving notice thereof, prepare and keep an eligibility list of

persons passing such examinations and certify the names of persons thereon to the Sheriff.

3. To investigate, by itself or otherwise, the enforcement of the provisions of Sections 23-1721 to 23-1736 of its own rules and the action of appointees in the classified service. In the course of such investigation, the Commission or its authorized representative shall have the power to administer oaths, and the Commission shall have power by subpoena to secure both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.
4. To provide through the Purchasing Department of the County all needed supplies for the use of the Commission.
5. To classify Deputy Sheriffs and subdivide them into groups according to rank and grade, which shall be based upon the duties and responsibilities of such positions. The Commission shall recommend to the County Board salaries which shall be uniform for each group of the classified service and shall be comparable to those of comparable counties in this section of the United States.
6. To perform such other duties as may be necessary to carry out the provisions of Sections 23-1721 to 23-1736 and shall further have the powers and duties assigned to it by state statute and by these rules and regulations.

SECTION 3: MERIT SYSTEM DIRECTOR

1. The Merit System Director shall be the Sheriff of Lancaster County.
2. In conformity with these regulations, the Director shall develop and put into continuous effect policies and procedures for the administration and scoring of examinations; the preparation, custody and maintenance of registers of qualified candidates; the determination of availability of qualified candidates for appointment; the determination of the adequacy of existing registers; the promotion of an active public relation program designed to interest competent persons in a career in Law Enforcement under the Merit System; the completion of reports and information as requested by the Merit Commission and for the use of the Commission.
3. The director, with the approval of the Commission, shall establish a filing system separate from the filing system of the office for the purpose of maintaining an adequate personnel file. The director may designate a member of his staff to maintain said file.

SECTION 4: PERSONNEL DIRECTOR (N.R.S. 23-1729)

1. The personnel director of the Lancaster County Sheriff's Office shall be the Sheriff of the County. It shall be his responsibility to develop and put into effect procedures for carrying out the personnel policies of the agency; to participate in the preparation of and to administer the classification and compensation plans; to maintain personnel records of all persons employed and records of all personnel actions; to report to the Commission on the selection of preferred and acceptable applicants; to report to the Commission all promotions, salary advancements, demotions, transfers, dismissals, resignations and the terminations of or retention of probationary employees at the close of their probationary

period; to notify the Commission as promptly as possible of vacancies that occur within the department and to perform such other duties as are prescribed by these regulations.

ARTICLE III – CLASSIFICATION PLANS

SECTION 1: PREPARATION OF PLANS

1. The Sheriff shall make an effective comprehensive classification and rating plan for all Deputy Sheriffs. The plan shall be based on investigation and analysis of the duties and responsibilities of each position and rank. Each position shall be allocated its proper class in the classification plan, so the same schedule of compensation can be made to apply equally under the same or substantially the same employment conditions. When complete, the classification plan shall include for each class or position an appropriate title, a description of the duties and responsibilities and minimum requirements of training, experience and other qualifications.
2. The proposed classification plans and any changes therein shall be submitted to the Commission for review and recommendation. Upon approval of the Commission, the plan shall be formally adopted by the Sheriff's Office.
3. Existing classes or positions may be abolished or changed or new positions or classes added in the same manner as the classification plans were originally adopted.
4. The assignment of deputies within the various classifications or ranks to specific duties, as necessary, is at the sole discretion of the sheriff.
5. Each employee that feels they are adversely affected by a change in the comprehensive classification plan or have been unfairly compensated for a change in employment condition may appeal as prescribed in Article XI of these rules.

ARTICLE IV – APPLICATION AND EXAMINATION

SECTION 1: CHARACTER OF EXAMINATION (N.R.S. 23-1728)

1. Examinations for applicants shall be conducted on an open competitive basis. Examinations shall be practical in nature and shall be constructed to reveal the capacity of the applicant for the position of Deputy Sheriff. The Personnel Director shall give at least 2 weeks' notice in advance of the closing date for receiving applications. Notice shall be given of all such examinations by publication at least once in a legal newspaper in the county. The personnel officer shall make reasonable efforts to attract qualified applicants to compete in the examinations.
2. Each applicant who meets the minimum qualifications must submit to examinations which conform with and utilize such methods, forms and techniques as the Personnel Director may require.
3. All examinations for appointment to the classified service shall be approved by the Commission and the Sheriff.
4. All examinations for the appointment to the classified service shall be conducted under the supervision of the Commission.

5. All Deputy Sheriffs, except the Chief Deputy Sheriff, are members of classified service. (N.R.S. 23-1730)

SECTION 2: QUALIFICATIONS (N.R.S. 81-1410; Nebraska Administrative Code Rules and Regulations, Title 79, Chapter 8.)

All applicants shall meet the following qualifications:

1. The minimum age for appointment to the classified service shall be 21 years.
2. All final applicants for appointment to the classified service must submit to a psychological examination and pass a drug screen at County expense. Any reservations noted during the psychological evaluation may be grounds for disqualification at the discretion of the Sheriff.
3. The applicant is or will be a citizen of the United States prior to the completion of certification training as stated in NAC Title 79, Chapter 8.
4. Applicant must possess good character as determined by a thorough background investigation conducted and certified by the Sheriff or his representative. Good character means the same as the term "Good Character" that is defined in NAC Title 79, Chapter 8, 005.02 and 005.03, and shall include an individual who: would not have a past behavior indicative of a pattern of incompetence or neglect of duty; has not used illegal drugs or narcotics in the past two years; has not been involved in or charged with any activity of physical violence, sexual abuse or crimes against children or others; is characterized as being honest, truthful and trustworthy.
5. Applicant must meet all of the Nebraska Law Enforcement Training Center's admission requirements as in effect at time of application according to NAC Title 79, Chapter 8.
6. Must possess a valid Nebraska driver's license at time of appointment.

SECTION 3: FILING OF NOTIFICATIONS

1. All applications shall be made in the manner prescribed by the Personnel Director and must be filed before the closing date and time specified in the announcement published in a legal newspaper of the county and county website.

SECTION 4: DISQUALIFICATION OF APPLICANTS

1. Under the supervision of the Commission, the Personnel Director may refuse to examine an applicant or after examination may disqualify such applicant if such applicant:
 - A. Is found to lack any of the preliminary requirements established for examination for classified service.
 - B. Is so disabled physically or emotionally as to be rendered unfit for performance of the duties of Deputy Sheriff.
 - C. Is a user of controlled substances or a habitual user of intoxicating liquors to excess.
 - D. Has been convicted for any crime which would preclude admission to the Nebraska Law Enforcement Training Center (defined in NAC Title 79, Chapter 8.)

- E. Has made an intentional false statement or omission of material facts in his/her application.
 - F. Has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment.
 - G. Has directly or indirectly obtained information regarding examination to which, as an applicant, he/she is not entitled.
 - H. Has failed to submit his/her application, certificates, or other required materials correctly or within the prescribed time limits.
 - I. Has taken part in the completion, administration or correction of the examination.
 - J. Has previously been dismissed for cause from the classified service or has resigned while charges for dismissal for cause were pending.
 - K. Has otherwise violated provisions of these regulations.
 - L. Is unable to meet the requirements established by the Nebraska Commission on Law Enforcement and Criminal Justice for admission into the basic law enforcement training course leading to certification as a law enforcement officer pursuant to state statute.
 - M. Is determined to not have good character, as defined in NAC Title 79, Chapter 8, 005.02 and 005.03.
2. A disqualified applicant shall be promptly notified of such action, and an applicant who is not admitted to an examination because of failure to meet preliminary requirements shall be notified in writing sufficiently in advance of the examination to allow for an appeal from rejection as provided for in Article XI, Paragraph 1.

SECTION 5: CONDUCT OF EXAMINATION

- 1. Written tests for applicant examination shall be conducted simultaneously for as many applicants as practicable at any place and time. The Personnel Director may designate as many Sheriff's Office personnel as necessary to assist the County Personnel Department in administering the examination under instructions prescribed by him. All examinations shall be conducted so as not to discriminate against any applicant on account of their race, sex, religion, disability, age, national origin, ancestry or marital status as provided by law.

SECTION 6: RATING EXAMINATIONS

- 1. The Personnel Director or his representative shall determine a final score for each applicant's examination, computed in accordance with Article IV, Section 1. All applicants for a position within the classified service shall be accorded uniform and equal treatment in all phases of the examination process.

SECTION 7: PHYSICAL AGILITY EXAMINATION

- 1. Each applicant who passes the written examination must successfully complete a physical agility examination to be conducted by the Personnel Director or his representative.

2. Applicants receiving a passing score on the physical agility examination will continue on for further evaluation.

SECTION 8: INVESTIGATION

1. The Personnel Director or his representative shall do a thorough background investigation to verify the applicant's training and experience, to verify statements contained in the application form and any supplemental personal history forms required of the applicant. The Director shall also verify the absence of past behavior indicative of unsuitability to perform law enforcement duties, and to secure evidence of the applicant's behavior, fitness and character. Such background investigation may include, but not be limited to, current and previous employment, law enforcement records checks, credit history check, character references or any other sources identified by the Sheriff or his representative to complete the investigation. The correspondence, documents and findings of the investigation shall be made a part of the applicant's records.

SECTION 9: ORAL INTERVIEW

1. One or more oral interviews forms a part of the total examination for a position. The Personnel Director or his designees will conduct the oral interview(s) to determine the applicant's fitness for employment.

SECTION 10: POLYGRAPH EXAMINATION

1. Each final applicant prior to appointment must submit to a polygraph examination, administered at the direction of the Sheriff, to determine the truthfulness of the application information provided by the applicant.

SECTION 11: PHYSICAL EXAMINATIONS

1. Before appointment, applicants are required to pass a satisfactory physical examination administered by a licensed physician specified by the Sheriff, providing that such examination can be given at the expense of Lancaster County.

SECTION 12: NOTICE OF EXAMINATION RESULTS

1. Each applicant will be notified in writing of their examination results.

SECTION 13: EXAMINATION RECORDS

1. The Personnel Director or his representative shall be responsible for the maintenance of all records pertinent to the examination program.
2. Examination records of applicants will be on file for a time period consistent with the Nebraska Secretary of State's records retention schedule.

ARTICLE V – REGISTER

SECTION 1: DURATION OF REGISTERS

1. The acceptable register as approved by the Commission shall remain in effect for six (6) months from the date of its approval by the Commission. The Sheriff, with the approval of the Merit Commission, may terminate or extend the approved register and request a new eligibility list be created from time to time. (8/31/06 Merit Commission Meeting minutes.)
2. It shall be the duty of the Sheriff to notify the Commission as far in advance as possible of vacancies which occur within the Sheriff's Office classified service. The Sheriff shall be responsible for the determination of the adequacy of the existing register after the register has been depleted to three names or less.

SECTION 2: REMOVAL OF NAMES FROM REGISTER

1. Under the supervision and direction of the Commission, the Sheriff may remove the name of an eligible from a register:
 - A. For any cause stipulated in Article IV, Section 4.
 - B. On evidence that the acceptable applicant cannot be located by postal authorities or fails to respond within three days after receiving a certified letter from the Sheriff.
 - C. Upon written receipt or statement from the applicant that he no longer desires employment in the classified service of the Sheriff's Office.
 - D. An acceptable applicant who, because of serving in the armed forces of the United States, fails to respond affirmatively to the offer of the appointment and whose name is for that reason removed from the register may, upon written application to the Commission, be reinstated upon the register providing that he has received an honorable discharge from the said armed forces of the United States.

ARTICLE VI – APPOINTMENTS

SECTION 1: ORIGINAL APPOINTMENTS (N.R.S. 23-1731)

1. All appointments made to positions in the classified service of the Sheriff's Office shall be made in accordance with these regulations, except for those positions exempt by statute. For all probationary appointments, selection shall be made by the Sheriff for each position from a list of acceptable applicants submitted by the Commission to the Sheriff. The Commission shall certify the three applicants ranked highest on the register for each position to be filled, from which the Sheriff shall make his appointment.
2. On the recommendation of the Sheriff, applicants with more than one (1) year of continuous, full time law enforcement experience may be approved to begin employment at a pay grade higher than Step one (1) on the Deputy Sheriff's pay plan. This recommendation will be based on the applicant's years of experience as a certified law enforcement officer, the applicant's current base salary, and the state which has issued the applicant's law

enforcement certification. In all other respects, applicants eligible for hire under this section will be treated as a new hire without prior experience. These applicants will not receive any additional credit in computing seniority, vacation time or longevity pay. These applicants will also be subject to participation in the Field Training Program and will be considered probationary appointees for one (1) year from the date of hire.

3. Final selection by the Sheriff of an applicant shall be reported immediately to the Commission. The Commission will then place all approved applicants not selected on the register for consideration on the next vacancy in the classified service.
4. If an applicant declines the appointment, evidence of declination and such date pertaining to the declination shall be transmitted to the Commission and be made a part of the applicant's record. An applicant may be considered to have declined appointment if he fails to reply within seven days from the date of notification of his appointment or if he fails to present himself for duty at the time and place specified by the Sheriff without giving satisfactory reasons for the delay in reporting for duty.

ARTICLE VII – PROBATIONARY PERIOD

SECTION 1: NATURE, PURPOSE AND DURATION

1. All applicant appointments to the classified positions of the Lancaster County Sheriff's Office from the register shall serve a probationary period of twelve months. This probationary period may not be extended. The probationary period shall be an essential part of the process of selection and shall be utilized for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standards of the law enforcement profession.
2. When a permanent employee of the classified service is promoted from a position in one class to a position in another class, it is required such employee serve a probationary period not to exceed one year in the new position to which he has been promoted.
3. If said promoted employee does not prove to be satisfactory in the new position during said probationary period, he shall be reinstated to his former position or to another equal position within the classified service at the salary prescribed for the position which he held prior to the promotion. The action shall entitle the employee to an appeal and hearing before the Merit Commission.

SECTION 2: CONDITIONS PRELIMINARY TO PERMANENT APPOINTMENT

1. Permanent appointment of a probationary employee shall begin with the date ending the probationary period, providing that no employee may be considered for permanent employment until he has successfully met the requirements set out in State Statute 81-1414. A statement from the Sheriff shall be made to the Commission in writing that the services of the employee during the probationary period have been satisfactory and that the employee is recommended to be continued as a permanent employee of the classified service. If the Sheriff determines that the services of the probationary employee have been unsatisfactory,

the Sheriff shall notify the employee and the Commission in writing. Such notice of dismissal or retention shall become a part of the employee's permanent record.

SECTION 3: TERMINATION DURING PROBATIONARY PERIOD

1. At any time during the probationary period, services of an employee of the classified service who has not achieved permanent employee status may be terminated by the Sheriff at his discretion without the right of the employee for an appeal or hearing. The reasons given for the termination shall be submitted in writing to the Commission and a copy filed in the individual's personnel file as a permanent record.

ARTICLE VIII – PROMOTIONS (N.R.S. 23-1733)

SECTION 1: PROMOTION BY COMPETITIVE EXAMINATION

1. To fill vacancies in a particular class or rank, the Sheriff, on the approval of the Merit Commission, must make his selection based upon competitive examination. A promotional competitive examination shall be limited to the employees of the Lancaster County Sheriff's Office. An employee, to be eligible to compete for promotion, must be a permanent employee and must meet the minimum qualifications as to years of service. Examinations shall be open to all members of the classified service that request permission and are eligible to take the examination.
2. Appointments to the rank of captain shall be made at the discretion of the Sheriff from the group of deputies holding the rank of sergeant.

SECTION 2: NOTICES

1. Notices of examination of applicants for promotion in the classified service shall be given by posting notice of the same, signed by the Personnel Director (hereinafter "Director") of the Commission, on all official bulletin boards at least 30 days prior to the examination. Such notice shall include a description of the method to be used for the examination. The time and place of examination, as determined by the Director, shall be posted at least 72 hours prior to the examination. Copies of all notices to the classified service shall be posted and remain posted on all bulletin boards designated as "official bulletin boards." One such board shall be maintained in the Sheriff's Office in the courthouse. All such boards shall be placed in a conspicuous place, freely accessible to all personnel.

SECTION 3: METHOD OF MAKING PROMOTIONS

1. As far as is practicable and feasible, unless filled by lateral transfer, a vacancy shall be filled by promotion of a qualified permanent employee of the classified service.
2. To be eligible for promotion to sergeant, a deputy must have three years of continuous service in the classified service of the Lancaster County Sheriff's Office as of the date of the written examination. The Sheriff will be required to offer an eligibility examination prior to

any promotion for which a currently-approved register is not in effect. The notice provision of Article VIII, Section 2, of the rules shall be complied with.

3. The promotional competitive examination shall be designed to reveal the applicant's general knowledge of leadership, management, supervision and their practical application, as well as their knowledge of the technical aspects of law enforcement and other tasks comprising the work of sheriff's deputies.
4. The promotional competitive examination shall be presented by the Director to the Commission for their approval. The promotional competitive examination shall consist of either a written and oral examination or a customized examination process facilitated by a neutral third party.
5. If a written and oral examination are used:
 - a. The written examination and answers shall be compiled by the Director or his designee in a sufficient quantity so as to allow a specific number of them to be chosen for each test. A set of questions selected for a test from this question pool shall be used only once, then returned to the pool and another set of questions selected for the next test.
 - b. The written examination shall be conducted by the director or his representative. This person shall confidentially score the written examination on a percentage basis. This percentage figure is designated the "written examination rating."
 - c. Only those eligible applicants whose scores on the written examination are among the ten highest scores or the top 50% of the scores, whichever is greater, may proceed to the oral examination. The oral examination shall include, in addition to questions designated by the Director, inquiry into the applicant's experience in work involved in the vacant position and training qualifications for such work.
 - d. The oral examination board shall consist of five members of the classified service selected by the Director and approved by the Merit Commission.
 - e. Through oral review, each member of the Oral Examination Board shall assign a numerical rating to each applicant, based on a scoring system established by the Director and approved by the Merit Commission. The ratings by each Oral Examination Board member of an applicant shall be averaged confidentially by the Director or his representative after the highest and lowest ratings have been deleted. The average of the three remaining ratings shall be designated the "oral evaluation rating," and given a percentage value.
 - f. The written examination rating and the oral evaluation rating shall be maintained confidentially by the Director or his representative until all ratings have been determined for all the applicants. The Director or his representative shall assign a weight of 40% to the written examination and 60% to the oral evaluation for each applicant in compiling the overall score, which shall be designated the "promotional examination rating."
 - g. The written examination ratings and oral evaluation ratings shall be made available to the applicants only after the promotional examination ratings have been determined. The Director or his representative shall rank the applicants by their score as indicated by the promotional examination ratings. Seniority shall be controlling only when other factors are equal.

6. If a customized examination process is used:
 - a. The customized examination process will consist of two phases.
 - b. Phase 1 will consist of a written examination.
 - i. The written examination questions and answers shall be compiled by the Director or his designee in a sufficient quantity so as to allow a specific number of them to be chosen for each test. A set of questions selected for a test from this question pool shall be used only once, then returned to the pool and another set of questions selected for the next test,
 - ii. The written examination shall be conducted by the Director or his representative. This person shall confidentially score the written examination on a percentage basis. This percentage figure is designated the "written examination rating."
 - iii. Only those eligible applicants whose scores on the written examination are among the ten highest scores may proceed to Phase 2 of the customized examination process. Multiple candidates who are tied for the tenth highest score will be allowed to advance to Phase 2.
 - c. Phase 2 will consist of one or more of the following: an in-basket exercise, scenario evaluation, and an oral examination board.
 - i. In-basket exercises shall be conducted and confidentially scored by the Director or his representative,
 - ii. Scenario evaluations shall be facilitated by a neutral third party designated by the Director,
 - iii. Scenario evaluations shall be designed to comply with section 3(3) above and shall not require any candidate to demonstrate proficiency in physical use of force or other activities that could foreseeably subject the candidate to unnecessary injury,
 - iv. Scenario evaluations shall be confidentially scored by a four member panel selected by the Director or his representative and comprised of Nebraska certified law enforcement officers from outside the Lancaster County Sheriff's Office classified service. Scenario evaluation panel members shall hold the rank of lieutenant or higher.
 - v. Oral examinations shall include, in addition to questions designated by the Director, inquiry into the applicant's experience in work involved in the vacant position and training qualifications for such work,
 - vi. Oral examinations shall be confidentially scored by a four member panel selected by the Director or his representative and comprised of Nebraska certified law enforcement officers from outside the Lancaster County Sheriff's Office classified service. Oral examination panel members shall hold the rank of lieutenant or higher.
 - d. The components of the customized examination process shall be conducted and scored in a uniform manner for all candidates.
 - e. The customized examination rating shall be maintained confidentially by the Director or his representative until all ratings have been determined for all the applicants. The Director or his representative shall assign equal weights to each part of the customized examination for each applicant in compiling the overall score, which shall be designated the "promotional examination rating". Seniority shall be controlling only when other factors are equal.

7. The promotional examination ratings of candidates in rank order will comprise a register of deputies eligible for promotion to the rank of sergeant. The register shall remain in effect for one year from the date of its approval by the Commission. The Sheriff, with the approval of the Merit Commission, may terminate the approved register and request a new eligibility list be created. The Sheriff shall promote to the rank of sergeant from the top three ranking candidates on the register. If a deputy on the register is promoted, leaves the employment of the department, or declines a promotion, he shall be deleted from the register, and the Sheriff shall make his selection from the three highest ranking remaining candidates on the register.
8. The Sheriff, in an emergency, may make temporary appointments to a higher-ranking vacated position within the office for a period not to exceed 60 days. Any persons appointed to a vacated position shall be paid at the rate established for that position for such period as the person fills such vacancy.

ARTICLE IX – TRANSFERS AND DEMOTIONS

SECTION 1: TRANSFERS

1. A transfer from one division to another division or one shift to another shift shall not be considered a promotion or demotion.

SECTION 2: DEMOTIONS, DISMISSALS AND SUSPENSIONS

1. A permanent employee may be demoted, suspended or dismissed for inefficiency or for other good cause, but, in all such cases, the employee shall have the same rights of appeal to the Commission as provided in Article XI.

ARTICLE X – DISMISSALS (N.R.S. 23-1734)

SECTION 1: DISMISSALS

1. The Sheriff may dismiss any employee with permanent status who is negligent, inefficient in his duties or for violation of the rules stated in the Lancaster County Sheriff's Office Standard Operating Procedures Manual, and said member of the classified service may appeal said order of discharge or suspension to the Commission within 10 days after a written order of such discharge or suspension is served on the member. Service of such order shall be upon the member personally or by registered mail, return receipt requested. A copy of Article XI regarding appeals shall be included with such order of dismissal.

SECTION 2: SUSPENSIONS

1. The Sheriff may, after written notice, suspend any employee without pay for delinquency, misconduct or for violation of the rules stated in the Lancaster County Sheriff's Office

Standard Operating Procedures Manual for a period not to exceed a total of 240 working hours in any one year from January 1 to December 31.

ARTICLE XI – APPEALS

SECTION 1: APPEAL N.R.S 23-1734 (See Appendix A, Procedures for Merit Commission Hearings)

1. Any applicant whose application for admission to an entrance or promotional examination has been rejected by the Sheriff; or any applicant who has taken an examination; or any applicant whose name has been removed from the register for any reasons specified in Article IV, Section 4; or any applicant or employee who alleges discrimination because of political or religious opinion or affiliation or because of race, national origin or other non-merit factors; or any deputy sheriff who has been removed, suspended, transferred or reduced in either rank or grade or both rank and grade by the Sheriff, after appointment or promotion is complete, by an order in writing stating specifically the reasons therefor, may appeal such action to the Merit Commission. Such order shall be filed with the Commission, and a copy thereof shall be furnished to the person so removed, suspended or reduced. Any person so removed, suspended, transferred or reduced in either rank or grade or both rank and grade may, within ten (10) days after presentation to him of the order of removal, suspension, transfer or reduction, appeal to the Commission from such order. The Commission shall, within two weeks from the filing of such appeal, hold a hearing thereon, and thereupon fully hear and determine the matter and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the Sheriff and shall forthwith be enforced and followed by him, but under no condition shall the employee who has appealed to the Commission be permanently removed, suspended, transferred or reduced in rank until such finding and decision of the Commission shall be so certified to the Sheriff.
2. Any Deputy Sheriff may grieve a violation of the labor agreement between Lancaster County and the Lancaster County Deputy Sheriffs' Association FOP Lodge 29, a personnel rule, a state or local law, or the Standard Operating Procedures of the Lancaster County Sheriff's Office to the Commission. The Commission shall hear the grievance at the next regularly scheduled meeting or the Commission may, at its discretion, set a special meeting to hear the grievance. If the Deputy Sheriff is subject to a labor agreement, all applicable procedures in the agreement shall be followed prior to the matter being heard by the Commission. In all other cases, the matter shall be grieved, in writing to the Commission within fifteen (15) calendar days after the date the Deputy became aware of the occurrence giving rise to the grievance. After hearing or reviewing the grievance, the Commission shall issue a written order either affirming or denying the grievance. Such order shall be delivered to the parties to the grievance or their counsel within seven (7) calendar days after the date of the hearing or the submission of the written grievance.
3. All notices of suspension, demotion, transfer or dismissal shall be served in writing to the employee by delivery to him in person. However, notices of dismissal may be left at the

employee's last-known place of residence if, after diligent search, the employee may not be located in Lancaster County. Such service shall be certified to the Merit Commission.

4. In appeal hearing cases of suspensions, demotions and terminations, the Sheriff's Office will provide a court reporter/stenographer at the appeal hearing. Funds for payment of this service for the Commission shall be included in the Sheriff's budget. If the appealing party wants a record of the hearing, the cost of the transcription then rests on the appealing party.

SECTION 2: APPEAL DECISION

1. The Commission, within **three (3)** days after the hearing, shall make its decision. The Commission shall notify the Sheriff and the applicant or employee of its decision by written order, and the decision of the Commission shall be final. The decision of the Commission shall be recorded in the permanent personnel files of the Sheriff's Office.

ARTICLE XII – MISCELLANEOUS

SECTION 1: RESIGNATION

1. An employee who resigns shall present the reason therefor in writing to the Sheriff and the Commission. A copy of this resignation shall be placed in the employee's personnel file and retained as a permanent record.

SECTION 2: REDUCTION OF FORCE

1. The Sheriff may separate any employee without prejudice after 14-day written notice because of lack of funds or curtailment of work. The reduction of personnel shall apply to the entire department and not to any one division.
2. The order of layoff shall be as follows:
 - A. Applicants serving their probationary period.
 - B. Employees with less than two years' service. Their order of separation for a reduction in force shall be based upon seniority.
 - C. Employees with less than five years' service shall be separated at the discretion of the Sheriff, based on seniority, rating of previous examination and past performance of duty.

SECTION 3: LIKE PENALTIES FOR LIKE OFFENSES

1. Any employee who is penalized for any offense committed while an employee of the Lancaster County Sheriff's Office shall be penalized in an equitable manner considering similar offenses committed by previous offenders, if such circumstances exist.

SECTION 4: TENURE OF OFFICE

1. The tenure of office of every permanent employee shall be during good behavior and satisfactory performance of his duties as recorded by his service record. This provision, however, shall not be interpreted to prevent the separation of an employee for cause or the separation of an employee because of lack of funds or curtailment of work, when made in accordance with these regulations.

SECTION 5: REINSTATEMENT

1. Any member of the classified service who has resigned while in good standing or who has been separated without prejudice may be eligible for reinstatement with the approval of the Commission and the Sheriff within 60 days of his resignation without loss of seniority, salary, pay scale or benefits, providing he can meet the minimum qualifications for the position held at the time of his resignation by written examination and providing he has not reached the age of retirement.
2. Any employee who is not reinstated within 60 days must resubmit his application and seek re-employment as a new applicant, as provided for in these regulations.
3. Any employee who resigns a second time shall not be eligible for employment within the classified services of the Lancaster County Sheriff's Office.

SECTION 6: CREATION OF NEW POSITIONS

1. In the event new supervisory positions or new ratings are established within the department, these positions shall be filled by competitive examinations, as provided for in Article VIII.

SECTION 7: SPECIALIZED PERSONNEL

1. If a position exists within the department that requires specialized skills that cannot be filled from within the ranks, the position may be filled by competitive examination of applicants who appear to have the qualifications necessary to fill the specialized position and the position of deputy sheriff.

SECTION 8: PHYSICAL DISABILITY

1. Any member of the classified service may be discharged in the event the member is no longer physically or mentally qualified to discharge his duties. A discharge under these conditions may be appealed to the Merit Commission as set out in Article XI.

SECTION 9: RULES OF CONDUCT

1. Conduct of all personnel in the classified service shall be governed by the rules adopted by this Commission, under the signature of the chairman, and a copy of the same signed by the chairman shall be made available to all members of the classified service. All changes in the rules shall be made available to all members of the classified service, and in addition

thereto, supplemental notice of changes shall be posted separately for thirty days on each bulletin board.

SECTION 10: VACATION, SICK LEAVE, ETC.

1. The Sheriff's Office shall adopt regulations covering attendance, vacation, sick leave and other types of leave. Such regulations shall be uniform and applicable insofar as possible to all employees of the classified service.

SECTION 11: DISCRIMINATION (N.R.S. 23-1735)

1. No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against because of his or her political, racial, or religious opinions or affiliations, except for membership in any organization which has advocated or does advocate the overthrow of the government of the United States or this state by force or violence. **Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or other personnel action because of sex, age, religion, race, color, national origin, disability or marital status or other non-merit factors will be prohibited.**

SECTION 12: POLITICAL ACTIVITY (N.R.S. 23-1736)

1. No person serving in the classified service shall actively participate in any campaign conducted by any candidate for public office while on duty or while in uniform.

ARTICLE XIII – AMENDMENTS AND REGULATIONS

SECTION 1: AMENDMENTS

1. If and when it appears desirable in the interest of good administration, the Commission may make additions to or amend these regulations.
2. These regulations as amended by the Commission will become effective fourteen (14) days after such amendments are approved and posted on an official bulletin board in the Lancaster County Sheriff's Office.
3. These regulations are to be construed as a supplement to present and future statutes concerning the Sheriff's Office Merit Commission, and, in case of any conflict, the statutes shall be controlling.
4. In all cases which may arise for which no regulation is applicable, the Commission shall make such determination and disposition as it, in its discretion, deems reasonable and proper.

5. These regulations shall become effective on the ____ day of _____, 2013.

LANCASTER COUNTY SHERIFF'S MERIT COMMISSION

Thomas Trotter, Chairman

Dan Nolte, Member

John Hurd, Member

Approved as to form this 29th day of April, 1998

By: Diane M. Staab, Deputy
Lancaster County Attorney