



City of Grand Island

Tuesday, June 08, 2010

Council Session

Item I3

#2010-157 - Consideration of Updating the Personnel Rules

Staff Contact: Brenda Sutherland

Council Agenda Memo

From: Brenda Sutherland, Human Resources Director

Meeting: June 8, 2010

Subject: Personnel Rules Update

Item #'s: I-3

Presenter(s): Brenda Sutherland, Human Resources Director

Background

The Personnel Rules provide the general rules with which employees are to conduct themselves as well as an outline of City benefits. It is updated from time to time as needed. The last Personnel Rules update was January 27, 2009.

Discussion

The proposed changes in the Personnel Rules represent three basic areas which include compliance, clarification, and policy changes. The sections that are attached are the only areas that changes are being proposed. The first section is a compliance issue. Sec. 1.03 adds the phrase “genetic information” to our equal opportunity statement. This is required under Title VII of the Civil Rights Act. Next, Sec. 2.03 adds language for drug testing for cause in the event of an accident or injury that requires medical attention involving a worker’s compensation claim or a reportable accident involving a City vehicle.

Under Sec. 3.01 B., 20. Failure to maintain licensure required to perform job duties has been added to the disciplinary actions section. Sec. 3.04 is the section that speaks to Layoffs. As there has been discussion as to possible reductions in force to handle budget issues, I am recommending Council increase the amount of money employees may collect based on years of service at their termination. In addition, there is new language to address the handling of benefits should furloughs be a measure to meet budget demands.

Sec. 3.22 and 3.23 deal with the same issue. I am recommending that steps one and two be changed from six months steps to one year steps. This is comparable in the market and will help to slow the pace of wage increases. Sec 4.03 requires employees to take five working days of vacation instead of just five consecutive days that may include weekends and holidays. This helps to manage vacation banks as well as compliance from an auditing standpoint.

Sec. 4.05 outlines funeral leave. The current language is somewhat loose. The proposed language will provide bereavement leave for family members as outlined in the policy. Additional time may be taken from medical leave banks if approved by the Department Director and the City Administrator. Other than immediate family, vacation or personal leave can be used to attend funerals. The last section with proposed changes is Sec. 5.06 which deals with tuition reimbursement. The language is being tightened up to say that only core classes may be reimbursed and that higher levels of education such as a doctorate or PhD will not be covered under this benefit.

These changes are proposed to go into effect on June 21, 2010.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve changes as attached in The Personnel Rules.

Sample Motion

Move to approve changes to the Personnel Rules.

Personnel Rules Update

Sec. 1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City of Grand Island affirms its commitment to providing a work environment that does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, mental or physical disability, marital status, ~~or~~ national origin, or genetic information. The City will operate in full compliance with applicable federal, state, and local laws prohibiting discrimination in employment. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Sec. 2.03 DRUG-FREE WORKPLACE

The City of Grand Island is committed to providing a safe work environment. The City prohibits the distribution, manufacture, possession, sale, use, transfer, transport, or purchase of illegal drugs, or being under the influence of alcohol or drugs at the workplace, on City premises, or in City vehicles. Any violation of this policy is subject to discipline up to and including termination, for the first offense.

The substances that are prohibited include but are not limited to the following:

- Alcohol
- Cannabinoids (marijuana, hashish)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, designer drugs" etc.)
- Narcotics (heroin, morphine, etc.)
- Stimulants (cocaine, methamphetamines, etc.)

Any employee convicted of violating a criminal drug statute must inform the City of such a conviction (including pleas of guilty and no contest) within five days of the conviction occurring. Failure to inform the City will subject the employee to disciplinary action, up to and including termination for the first offense. By law, the City will notify the federal grant agency or contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such conviction.

The City reserves the right to offer employees convicted of violating a criminal drug statute, the opportunity to participate in a rehabilitation or drug abuse assistance program, at the employee's expense, as an alternative to discipline. If such an opportunity is offered and accepted, the employee must successfully complete the program before returning to their position as a condition of employment.

The City shall test all applicants who have been offered a position with the City prior to starting their new job. Job placement is contingent on the results of the drug testing. The City will test for the following substances for all new hires;

- Amphetamine/Methamphetamine
- Cannabinoids
- Cocaine metabolites
- Opiates
- PCP

The City reserves the right to test any employee that it has reasonable cause to believe is under the influence of alcohol or drugs while in the workplace.

Any employee that is involved in a worker's compensation claim involving an injury or an accident involving an injury requiring medical attention shall be required to submit to a drug test for cause. Additionally, if an employee is operating a city vehicle and is involved in a reportable accident while in the operation of said vehicle, there shall be drug testing for cause. Any employee involved in any such injury or accident shall immediately notify his or her supervisor and the Human Resources Department so that immediate arrangements can be made for drug testing to be promptly carried out.

The City shall also maintain a testing program as is required by the U.S. Department of Transportation (DOT). This program will apply to employees in job classifications that require a Commercial Driver's License (CDL). Employees in this classification will receive additional information in the orientation process from the Human Resources Department.

Sec. 3.01 CORRECTIVE AND DISCIPLINARY ACTIONS

A. Employees are expected to act in a mature and professional manner while performing services for the City of Grand Island. Below is a partial list of behaviors that an employee may be disciplined for. Depending on the severity of the infraction, an employee may be subject to discipline up to and including termination. The following is a list, not all-inclusive, providing examples of unacceptable conduct:

1. Failure to observe safety rules and regulations.
2. Failure to report to work at the appointed time or place, or for departing prior to the designated time, including abuse of rest periods.
3. Solicitation, or distribution or display of, unauthorized literature while on City time.
4. Operating a personal business while on City time.
5. Intimidation or coercion.
6. Abuse or waste of City equipment, tools, or material.
7. Using abusive language or making false or malicious statements concerning any employee, the City, or its services.
8. Horseplay, loafing, or sleeping on the job.
9. Unauthorized posting, removing, or altering of bulletin board notices.
10. Violation of City, Department, or Division written or verbal policies or procedures.
11. Unauthorized use or release of confidential, sensitive or privileged information.
12. Intentional unavailability for or refusal to work over-time or respond to emergency call-out.
13. Abuse of medical leave or other paid leaves.
14. Conduct unbecoming a City employee.

B. An employee may be discharged, even for a first offense, for the following violations. This list is representative of dischargeable behaviors but is not all-inclusive.

1. Insubordination.
2. Theft of public or private property.
3. Misappropriation of public property.
4. Unlawful harassment.
5. Consumption or possession of alcohol or non-prescribed drugs on City time or property.

6. Being under the influence of alcohol or non-prescribed drugs while in the workplace.
7. Gambling or fighting on City time or property.
8. Conviction of a felony.
9. Abusive, offensive, or obscene language or conduct towards the public, City officials, or employees.
10. Demeaning, disruptive, or uncooperative conduct in the workplace.
11. Intentional or negligent damage or destruction of private or public property.
12. Fraud, falsification, or deceit in the conduct of City business.
13. Incompetence or unsatisfactory performance.
14. Unauthorized possession or use of firearms or hazardous materials on City time or property.
15. Work disruption or stoppage, strike, or other forms of job action or withholding of services.
16. Acts or threats of physical violence directed towards City officials or employees.
17. Soliciting favors, gifts, services, or bribes in the conduct of City business.
18. Conduct unbecoming a City employee or tending to discredit or impair the duties and the responsibilities of the employee's position.
19. Violation of the "Employment of Relatives" Policy.
20. Failure to maintain licensure required to perform job duties.

C. Any employee arrested or convicted of any offense other than a minor traffic violation must report the incident to his/her supervisor. Failure to report such matters can result in discipline, up to and including termination.

Sec. 3.04 RESIGNATIONS, RETIREMENTS, AND LAYOFFS

RESIGNATIONS: To resign in good standing, an employee must give the Department Director written notice at least 14 calendar days prior to termination, unless the Department Director agrees to permit a shorter period.

RETIREMENT: An employee may, but is not required to, retire on the first day of the month following his/her 65th birthday. Uniformed members of the Police and Fire Divisions shall be retired in accordance with the provisions of State statutes covering retirement of these classifications.

Retired employees, except police officers and firefighters, shall, when eligible, receive a pension as provided for in City Ordinance No. 4244 as amended. Police officers and firefighters, when eligible, shall receive a pension as provided for by State statutes.

The Mayor may, at his/her discretion, grant an early retirement option under the general employee pension plan upon the request of an employee. The employee must be at least 55 years of age and must have at least ten years of participation in the employee pension plan.

REDUCTION IN FORCE: Whenever it is determined to be in the best interest of the City to reduce its workforce, the Director of the affected department, the Mayor, or City Administrator will recommend the implementation of the reduction.

Factors that will be taken into consideration shall include, but are not limited to:

- The employment policies and staffing needs of the department, together with contracts, ordinances, and statutes related thereto and budgetary considerations
- Required federal, state, or local certifications or licenses;
- Seniority;
- The performance appraisal of the employees affected, including any recent or pending disciplinary actions;
- The knowledge, skills and abilities of the employee;
- The multiple job skills recently or currently being performed by the employee;

Upon the receipt of the recommendation, a determination will be made as to the classifications to be affected by a reduction in force and the number of employees to be laid off. A determination as to whether any employees within a job classification should be exempted from consideration due to the existence of a required federal, state, or local certification, or license will also be made at this time.

RECALL: Employees laid off under this reduction in force policy shall be eligible for recall for a period of 2 years after layoff. If, within 2 years after layoff, a new position is

opened within the reduced job classification for the department, the employee shall be recalled in the reverse order of layoff. After 2 years, the employee will have no preference for rehire.

CONSIDERATION GIVEN FOR RELEASE OF ALL CLAIMS AGAINST THE CITY: Employees with ~~5~~ 1 - 4 or more years of continuous employment with the City whose employment is terminated by a reduction in force will be entitled to consideration equal to one month's pay. Employees with 5 or more years of service will receive 1 month's pay plus 1 week for each additional year of service with a maximum payout of 12 weeks. Employees who retire or are terminated through disciplinary action will not receive this consideration. The Mayor may grant consideration in resignation cases when deemed appropriate. The Mayor may grant consideration greater than one month's pay upon a determination that such action is in the best interest of the City.

Furlough: When it is determined necessary to reduce payroll expenses, employees may be required to participate in furloughs or a reduction in hours worked. The employee's health insurance and other benefits will not be affected as long as the furlough is temporary in nature and does not result in the employee's hours dropping below thirty-five hours per week average on an annual basis.

Sec. 3.22 REGULAR STATUS

Once an employee successfully completes his/her introductory period, the employee is then appointed to regular status.

~~An employee that is hired in Step 1 or 2 shall be eligible for a step increase upon successful completion of the introductory period. Any employee hired in a step higher than 2 shall not be eligible for a step increase until the completion of one year of employment with the City.~~

Upon appointment to regular status, an employee will receive the following vacation time:

1. Upon completion of the six month introductory period – 5 days
2. Upon completion of a one year period – an additional 5 days

Regular status employees will then begin accruing vacation leave and be eligible to use accrued vacation at the rate established by these rules.

Sec. 3.23 HOURS OF WORK

The 40-hour workweek shall be the standard workweek unless otherwise provided. All employees may be required to work over 40 hours per week. Employees in non-exempt classifications shall be compensated at a rate of time and one half of their regular rate of pay for all hours worked over 40 in the work week. Exempt employees are not eligible for overtime for hours worked in excess of 40 during the workweek. For purposes of calculating overtime, hours worked shall include actual hours worked. Any payment for time not actually worked (leave time) shall not count towards the calculation of overtime. Overtime shall not be paid more than once for the same hours worked.

Department Directors may establish work periods and hours of work, which differ from the standard to meet special department needs or workloads with the approval of the City Administrator.

COMPENSATORY TIME: Compensatory time may be taken in lieu of time and half pay for overtime worked if approved by the Department Director. Each hour of overtime worked will be credited at one and one-half hours of time that can be taken off at a later date. The use of Compensatory time must be permitted by the Department policies and meet the Departments needs. These hours need to be recorded in the payroll system at the time of accrual and use.

When allowed by the Department Director, an employee may accrue no more than 60 hours of compensatory time in a calendar year. Any exceptions to this provision must have the written authorization of the Human Resources Director.

LUNCH PERIODS: Lunch periods may be established in one-hour or one half-hour increments. In the event that the employee is required to work through the lunch period or have lunch at their desk, the time will be added to the hours worked for the day.

REST PERIODS: Rest periods, more commonly referred to as "breaks" may be taken in 15 minute increments during each one-half workday when possible. No more than one break per half workday is permitted. Employees are encouraged to take breaks when the work load allows, but may not save up break time to use in larger increments than 15 minutes or to leave work early. Break time is to be used in the spirit in which is intended for and abuse of rest periods may be cause for disciplinary action.

PAY SCHEDULES: The City Human Resources Department in conjunction with the Finance Department will maintain pay schedules for approved classifications as prescribed by City Ordinance. The City may revise the pay schedule when changes in classes, availability of labor supply, prevailing rates of pay/comparability, or economic

conditions so dictate. The new pay schedules will become effective upon the effective date of the ordinance that has been approved by the Mayor and City Council.

All new employees will normally be hired at Step 1 of the pay grade of their position. However, due to extenuating circumstances, an employee may be hired at a higher step with the written approval of the City Administrator. ~~Any employee, who starts in Steps 1 or 2 and successfully completes their introductory period, may move to the next step after 6 months of service. Once an employee reaches Step 3 and above, Employees~~ they will remain in each step for at least 1 year with their performance to be evaluated on the anniversary of the change of status. ~~Following is an example:~~

~~Step 1 ————— Entry level~~

~~Step 2 ————— Upon successful completion of the introductory period, not less than 6 months.~~

~~Step 3 ————— Upon 6 months of service in Step 2 or successful completion of the introductory period.~~

~~Steps 4-8 ————— Upon the annual anniversary of the change of status with a satisfactory evaluation.~~

Prior to advancing in a step or grade, employees will be evaluated on their performance at least annually. An employee must receive satisfactory performance ratings in order to receive an increase in pay, other than a salary table adjustment. Such adjustments in pay shall be effective on the first day of a pay period falling on or immediately after the employee is eligible for the pay increase.

An employee receiving the highest possible rating in all categories may be considered for more than a one-step increase when recommended by the Department Director and approved by the Human Resources Director and City Administrator.

PROMOTIONS: An employee who is promoted will be placed in the lowest step of his/her new pay grade that will permit an increase of at least 3%. After successfully completing the six-month introductory period in his/her new position, he/she may be reviewed by their Department Director for a step increase at this time.

DEMOTIONS: The pay of any employee who is demoted will be on the same step of the pay grade for the job classification to which the employee is being demoted. The City Administrator may at his/her discretion place the demoted employee on a step of the new pay grade that will ensure that the pay of the demoted employee has been reduced.

PAY PERIODS: All employees will be paid biweekly. The pay period may be larger or smaller than two weeks. The Finance Director may, at his/her own discretion, because of unforeseen incidents, change the day on which paychecks will be issued. If a holiday falls in the payroll processing week, the direct deposits may be delayed by one day. Direct deposit is required for all City employees.

SAFE HARBOR: The City uses a payroll cycle that runs bi-weekly (every two weeks). Any employee that identifies a mistake in his/her paycheck should contact his/her supervisor and/or the Payroll Specialist so that it may be corrected. The City makes every effort to correctly process its payroll and prohibits improper deductions. Any such errors will be corrected as they are identified.

CALL BACK PAY: An employee that is called into work from his/her home will be eligible to receive compensation at the rate of time-and-one-half for the actual hours they are engaging in work.

Sec. 4.03 VACATION LEAVE

Vacation leave must be used in not less than one-half hour increments.

All regular status full-time employees are eligible to take vacation leave as it is earned and will accrue vacation leave in bi-weekly increments in the following manner:

Years 1 through 4	10 working days
Years 5 through 6	15 working days
Years 7 through 8	16 working days
Years 9 through 10	17 working days
Years 11 through 12	18 working days
Year 13	19 working days
Years 14 through 19	20 working days
Years 20 through 24	21 working days
Year 25 and beyond	22 working days

Regular part-time status employees will accrue vacation at a prorated amount based on the average hours worked.

Temporary/seasonal employees are not eligible for paid vacations.

Directors will make every effort to grant requested vacation time; however, it must be approved in advance and will be granted on the basis of work requirements of the department. Seniority will be considered when scheduling vacations within the department.

Each employee will take a period of vacation that allows him or her to be away from the workplace for a minimum of five consecutive work days which may include the use of personal leave. ~~which may include weekends, holidays, and vacation~~. Holidays, which occur during an employee's vacation, do not count as vacation time.

5.04 MEDICAL LEAVE

Medical leave will be charged in one-half hour increments.

Medical leave is defined as a period in which an employee is incapacitated for performance of his/her duties by sickness or injury. It may be a period when an employee is away from work because of medical, surgical, dental, or optical

appointments, or treatment. An employee would qualify for medical leave in the event that his/her exposure to a contagious disease would jeopardize the health of others by being present at the workplace.

Another situation where an employee would qualify for medical leave is to care for an immediate family member that is ill or injured. For purposes of medical leave, "immediate family member" shall mean a child, spouse, parent, and parents-in-law. "Child" shall include a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis".

Medical leave may also be used to cover disabilities related to pregnancy.

ACCRUAL OF MEDICAL LEAVE

Medical leave will be accrued at a rate of ~~one working day~~ eight hours per month for full-time regular status employees. Part-time regular status employees, who work at least 30 hours per week, will accrue medical leave based on their average hours of work.

RESTRICTIONS ON MEDICAL LEAVE USE

Department Directors may grant medical leave with pay in accordance with the following provisions:

- Medical leave may not be granted in advance of accrual.
- Medical leave may not be used as vacation leave.
- Introductory period employees will be entitled to medical leave at the same rate as regular status employees.
- Leave without pay may be granted for sickness and disability extending beyond earned balances in accordance with FMLA leave, if applicable.
- After six continuous months of service, vacation leave balances may be used for medical leave when medical leave balances have been exhausted.
- The amount of medical leave granted for necessary care of a sick member of an employee's immediate family may not exceed five consecutive workdays unless the Department Director grants more time because of unusual circumstances.

- ~~In the event of the death of a member of an employee's immediate family, household, or a close friend, the employee may use medical leave balances to cover up to five working days. The Department may grant more time because of unusual circumstances.~~
- The amount of medical leave charged against an employee's accrual will be computed on the basis of the exact number of days or hours an employee is scheduled to work, not to exceed 8 hours when leave is utilized.
- Holidays or other regular days off will not be counted in charging medical leave.
- Extended or planned medical leave needs to be requested in advance whenever possible, e.g., surgery, maternity leave, etc.
- Employees are encouraged to use personal leave for non-emergency dental, optical, medical appointments, and examinations. Medical leave may be denied for the same by the Department Director if personal leave balances are available for the employee's use.
- When an employee transfers within the City Personnel System, the employee's medical leave accrual will be transferred to the new assignment with the employee.
- Employees who are laid off and reinstated will have restored that portion of their unused medical leave accrual.
- The applicability of the Family and Medical Leave Act Policy must be determined at the time medical leave is requested.
- When an employee is unable to perform his/her duties due to an injury or sickness arising from the course of employment, any available leave may be used for the period of time that no compensation is allowed pursuant to Section 48-119 of the Nebraska Revised Statutes, commonly known as Nebraska Worker's Compensation Law. If no leave is available, accident leave may be used for the period of time that no compensation is allowed under said law.
- All medical leave accrual will expire on the date of separation and no employee will be reimbursed for outstanding medical leave at the time of termination except as provided in these rules and regulations.

COMPENSATION FOR UNUSED MEDICAL LEAVE

The City will include in the second paycheck in January of each year; payment for an employee's unused medical leave in excess of 960 hours accrued in the preceding calendar year. Employees will be compensated at the rate of one-half of their hourly

rate of pay for each hour in excess of 960, based on the employee's current rate of pay at the time of compensation.

All non-union employees will have a contribution made into a VEBA (Voluntary Employee Benefits Association) Trust in the employee's name for one-half of their accumulated medical leave at the time of their retirement. The contribution will be based on the employee's salary at the time of retirement.

Department Directors will have a contribution made into a VEBA Trust in the employee's name for one-half of their accumulated medical leave, not to exceed 30 days of pay, upon his/her resignation. The contribution will be based on the employee's salary at the time of termination. Compensation at retirement for unused medical leave will be the same as provided for all other employees above.

In the event of the death of an employee, payment will be made to the employee's beneficiary or estate.

Sec. 4.05 ~~FUNERAL LEAVE BEREAVEMENT LEAVE~~

~~As mentioned earlier, upon the death of a member of the employee's immediate family or a close friend, an employee may be allowed leave for funeral purposes upon approval of the Department Director. This leave will be deducted from the employee's medical leave account.~~

Bereavement leave shall be granted to eligible employees for up to two (2) days per calendar year for non-immediate family members. Non-immediate family member shall mean grandparents, grandchildren, aunts, uncles, nieces and nephews. Any portion of a work day used for bereavement leave shall be considered a full day of bereavement leave. An employee shall be eligible to use up to three (3) days of paid bereavement leave for the death of an immediate family member which includes parents, spouses, children, siblings, and in-laws of the same relation, regardless of when it occurs. In addition to the use of bereavement leave as set forth hereafter, medical leave may be granted at the discretion of the Department Director and City Administrator for the death of a member of an employee's immediate family because of unusual circumstances. To attend the funeral of someone other than immediate and non-immediate family, an employee shall take vacation or personal leave.

Sec. 5.06 TUITION REIMBURSEMENT

Tuition reimbursement will be available after 6 months of employment subject to the following qualifications, for the purpose of enhancing the knowledge and skills of employees to better perform their current duties:

Qualification Process – the determination of whether a request qualifies for the tuition reimbursement program shall be made by the Department Director and City Administrator ~~the Department Director based on the following considerations will make the determination of whether a request qualifies for the Tuition Reimbursement Program:~~based on the following considerations:

- There is budget authority.
- The course is job-related to be a core course offered by an accredited college or university which is directly related to the job of the employee and books and fees are necessary for the course
- There is ~~supervisor~~Department Director and City Administrator approval
- The employee requesting reimbursement is not eligible for other assistance programs.

Approval Process – To receive tuition reimbursement the employee must submit a “Tuition Request Form”, which contains the qualification information listed above as well as the employee’s financial request prior to beginning the course.

Reimbursement will be allowed for books and other fees. Tuition reimbursement is available only to regular full-time status employees. If the employee is eligible for other assistance programs the City will provide secondary benefits only.

Reimbursement Process – Any employee requesting tuition reimbursement will submit a grade report indicating the grade received for the class that was taken. Reimbursement will be as follows:

A or B – 100%
C – 85%

The City makes no commitment to provide for the total cost of a higher education course or for all courses leading to a degree. Each course shall be evaluated separately on its merit by the Department Director and the City Administrator to

determine eligibility for tuition and related expense reimbursement. Doctoral or PhD level classes and degree programs are not eligible for reimbursement.

The Department Director will include the request for reimbursement in the next payroll period after appropriate documentation is turned in-

RESOLUTION 2010-157

WHEREAS, the City provides Personnel Rules for its employees as authorized by the City of Grand Island; and

WHEREAS, the following sections of the City Personnel Rules, namely Sec. 1.03, Sec. 2.03, Sec. 3.01, Sec. 3.04, Sec. 3.22, Sec. 3.23, Sec. 4.03, Sec. 4.05, and Sec. 5.06 are amended.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the sections as set forth above are amended.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such amendment on behalf of the City Of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2010.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 4, 2010	☐ City Attorney