

SARPY COUNTY

CIVIL SERVICE PERSONNEL RULES AND REGULATIONS



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Section 1: Introduction

Sarpy County recognizes and declares the necessity of providing the most efficient and highest quality services for the public while providing a working environment which is both competitive within the community and equitable for its employees.

These Personnel Rules and Regulations (PRR) apply to those County employees who are members of the classified service as defined by the Nebraska State Legislature, Nebraska Revised Statute §23-2517 through §23-2533 (hereinafter known as the County Civil Service Act.)

The general purpose of the County Civil Service Act is to establish a system of personnel administration that meets the social, economic, and program needs of County offices. The system shall provide a means to recruit, select, develop and maintain an effective and responsive workforce and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, fringe benefits, discharge and other related activities (Nebraska Revised Statute. §23-2517).

This single, uniform system of personnel administration applies to all who belong to the classified service, and as such these PRR cannot be expanded, modified, or altered in any fashion by any individual, elected or otherwise, without resolution of the County Board of Commissioners.

The PRR shall be followed except where these provisions are in conflict with federal or state laws and/or collective bargaining agreements. In such instances where conflict exists, the federal and state laws and/or collective bargaining agreements shall take precedence over the PRR. However, if the above are silent with respect to this established system of personnel administration said PRR shall apply.

The County Board of Commissioners reserves the authority to modify, revoke, or terminate any or all of the PRR, in whole or in part, at any time. The PRR are not intended and do not create an expressed or implied employment contract between the County and any employee or group of employees.

In accordance with the above, the County Board of Commissioners also has the exclusive right and authority to exercise the customary functions of management, including, but not limited to, the right to manage and control the premises and equipment, and the right to determine, effectuate, and implement the objectives and goals of the County.



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Department Heads or Elected Officials may adopt such additional rules, policies or practices as may be necessary for the proper management and performance of their department, provided that no such rules, policies, or practices shall be inconsistent or contrary to the PRR, and that no additional benefits or compensation shall be granted to any employee subject to the PRR except as allowed by the PRR or applicable labor agreements.

Departmental rules, policies, and operating procedures/guidelines shall be subject to the review of the Human Resources Director, who shall ensure they are in conformity with the PRR.

Section 2: Personnel Office and County Personnel Officer (Human Resources Director)

The County Civil Service Act creates a Personnel Office in the Office of the Board of County Commissioners, the executive head of which shall be the County Personnel Officer (Nebraska Revised Statute §23-2520). The Board of County Commissioners shall appoint a County Personnel Officer (Human Resources Director) who shall be a person experienced in the field of personnel administration and in known sympathy with the application of merit principles in public employment (Nebraska Revised Statute §23-2523).

In accordance with Nebraska Revised Statute §23-2524, the Personnel Officer shall apply and carry out the County Civil Service Act (Act) and the PRR adopted thereunder and perform such other lawful acts as considered necessary or desirable to administer the purposes and provisions of the Act.

Section 3: Delegation of Authority

For the purpose of administration of the PRR, Department Heads may delegate their authority to subordinates. Upon delegation of said authority, the Department Head will inform the Human Resources Director in writing.

Section 4: Personnel Policy Bulletins

From time to time the County may adopt Personnel Policy Bulletins governing the conduct of employees and/or the performance of departmental functions provided that



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such policies shall not be inconsistent with the provisions of the PRR and any applicable collective bargaining agreement.

Section 5: Equal Employment Opportunity

Equal opportunity in employment shall be provided to all persons. The Human Resources Director shall develop and maintain an Equal Employment Opportunity Plan which supports equal opportunity in recruitment and selection, job structure, promotion policies, training and development, and all other related personnel procedures and practices. Refer to the Equal Employment Opportunity Plan for additional information.

In accordance with Nebraska Revised Statute §23-2531, discrimination against any person in recruitment, examination, selection, appointment, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, discipline, or any other aspect of personnel administration because of race, color, religion, sex, disability, national origin, age, marital status, political opinions or affiliations or other unlawful basis shall be prohibited. Discrimination on the basis of age, sex, or disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

Section 6: Unlawful Acts Prohibited

No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment held or made, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Act and the PRR established pursuant to the Act.

No person seeking appointment to, or promotion in, the classified service shall either directly or indirectly give, promise to render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with any test/examination, appointment, promotion, or proposed promotion unless such payment is made to an existing legitimate placement business.

No employee shall receive either directly or indirectly any money, service, or other valuable consideration for or on account of any person seeking appointment to, promotion in, or any advantage in the classified service.

No employee of the Human Resources Department or any other person shall defeat, deceive, or obstruct individuals from their right to examination, eligibility, certification, or



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appointment under the PRR or furnish to any person any special or secret information or assistance for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Section 7: Availability of Rules & Regulations

Employees have the right to examine the PRR. Every department shall have a current copy available for examination or employees may examine, the PRR on the County's website at www.sarpy.com.

Section 8: Cooperation with Other Governmental Agencies

The Human Resources Director may coordinate with the governmental agencies of other jurisdictions whose merit systems operate in conformity with standards comparable to those contained in the PRR. The Human Resources Director may announce and administer joint examinations and establish joint lists from which eligibles shall be certified for appointment in accordance with the provisions of these PRR.



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Introduction: The following words and phrases, when used in these Rules and Regulations have the following meanings unless otherwise clearly indicated in context or superseded by an applicable collective bargaining agreement.

Active Status	Means an employee who is currently receiving compensation, receiving accrued leave benefits, and/or on approved leave.
Appointment	Means the designation of a person to a job in the classified service who has qualified for the appointment through proper examination and determination of ability to perform the job.
Appointing Authority	Means the Department Head authorized to make decisions regarding the hiring, promotion, demotion, transfer, or dismissal of an employee.
Board of County Commissioners	Means the Board of County Commissioners of Sarpy County.
Certification	Means the referral of names of qualified candidates by the Human Resources Director on request of the appointing authority for selection to a job.
Certified Candidates	Means successful candidates placed on eligible or referred lists in accordance with their respective ratings by the Human Resources Director.
Chief Deputy	Means an individual who serves as the first assistant to and at the pleasure of an elected official.
Class	Means a group of jobs which are sufficiently similar in kind or subject matter of work performed, of difficulty, and responsibility, as well as qualification requirements to warrant similar treatment in personnel administration and compensation.
Classified Service	Shall comprise all jobs not specifically included in the unclassified service as defined in Nebraska Revised Statute §23-2519.



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Class Title	Means the official title used in the County Pay Plan.
Collective Bargaining Unit	Means a group of employees whose jobs are covered by a recognized collective bargaining agreement and are represented by a bargaining agent.
Communication Devices	Means machines that assist in transmission of data, voice, video, or text.
Compensation	Means the monies paid to employees including base wages, overtime, premium payments, out-of-class pay, detail pay, etc.
Compensatory Time	Means a time benefit credited, at a rate of not less than one-and-one-half hours for each hour of overtime worked instead of receiving overtime pay in the period worked.
Continuous Posting	Means a job posted without an established closing date for competitive qualified applicants to apply. The examination of applicants is administered on a continuing basis and eligible applicants are placed on the referred list on the basis of their final score regardless of their application date.
Continuous Service	Means employment without a break or interruption; provided that any authorized leave without pay or by reason of layoff for 30 consecutive calendar days or less shall not affect the continuity of service. Leaves without pay and layoffs for a period in excess of 30 consecutive calendar days shall be deducted in computing the total length of service with the County and the employee's eligibility date will be adjusted accordingly.
County	Means Sarpy County, Nebraska.
County Civil Service Act	Means Nebraska Revised Statutes §23-2517 through §23-2533, as amended from time-to-time, that require the establishment of a system of personnel administration pertaining to all employees in the classified service.



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Date of Employment	Means the first date on which an employee begins service with the County for which compensation is due.
Days	Unless otherwise stipulated elsewhere in these Rules, 'days' shall be defined as calendar days.
Demotion	Means a change from a job in one class to a job in a lower class.
Department	Means a functional unit of the county government headed by an elected official or established by the board of county commissioners (Nebraska Revised Statute §23-2518).
Department Head	Means an elected or appointed official as well as an employee charged by the Board of County Commissioners with directing a department, or designee.
Detail Assignment	Means performing a portion of a job or a particular task for a specified period of time.
Dimensional Scoring System (DSS)	Means an objective job evaluation system used to determine a job's pay grade and ensure internal job equity.
Discharge/Dismissal	Means the involuntary termination of an employee.
Elected Official / Elected Department Head	Means an officer elected by the popular vote of the people and known as the county attorney, public defender, county sheriff, county treasurer, clerk of the district court, register of deeds, county clerk, county assessor, and county engineer (Nebraska Revised Statute §23-2518).
Election Commissioner	Means an official who has received a gubernatorial appointment and is responsible for the election function of the County.
Eligibility Date	Means the date on which an employee is eligible for Types of Leave and/or benefits.



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Eligibility for Benefits	Unless otherwise specified or as required by law or statute, an employee who works an average of at least 30 hours per week.
Eligible	Means a person whose name is on an Eligibility List.
Eligible List	Means a list of individuals arranged in descending order of their ratings on examinations for classes of jobs and to which they are qualified for referral for an appointment.
Emergency Appointment	Means an appointment without regard to the examination requirements of these Rules to a classified job by reason of a governmental emergency recognized by the Human Resources Director, which appointment is not to exceed 30 calendar days in duration and is nonrenewable.
Employee	Means an employee of Sarpy County.
Employer	Means Sarpy County.
Essential Functions	Means the primary duties and responsibilities of a job.
Exempt Employee	Means an employee who is not required to keep time records and is not eligible for overtime pay as defined in the Fair Labor Standards Act.
External Job Posting	Means a vacancy posted to the general public.
Fringe Benefit	Means an employment benefit that has a monetary value and is given in addition to a salary and/or base wage, such as paid holiday, group insurance, pension, etc.
Full-time Employment	Means employment in a job which normally requires 40 hours of work per week.
Grievance	Means written notice of a circumstance for a complaint regarding a violation of ,any applicable rules, policies, collective bargaining agreements, and/or violation of employment-related laws.



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Honoraria/Honorarium	Means a payment for a professional service (such as making a speech) for which there is not traditionally a charge.
Human Resources Department	Means the department charged with ensuring the County Civil Service Act is carried out.
Human Resources Director	Means the Personnel Officer who is the executive head of the Human Resources Department, or designee.
Inactive Status	Means an employee who is currently not receiving compensation, not receiving accrued leave benefits, and/or not on approved leave.
In Loco Parentis	Means the legal doctrine under which an individual assumes parental rights, duties, and obligations without going through the formalities of a legal adoption.
Internal Job Posting	Means the posting of a vacancy that is restricted to current County employees excluding seasonal, emergency, and provisional appointees.
Introductory Probationary Period	Means a period of time not to exceed one year during which employees may be dismissed from their job without the right of County appeal or hearing.
Job	Means a paid position of employment comprised of tasks.
Job Description	Means a summary of the essential functions, minimum qualifications, knowledge/skills/abilities, physical demands, and work environment required to perform the job.
Layoff	Means the separation of tenured employees which have been made necessary by lack of funds or work, abolition of the position, material change in the duties, or change in County functions not related to fault, delinquency, or misconduct on the part of tenured employees who are eligible for reemployment based upon their performance record and seniority in service.



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Legal Guardian	Means a person who is qualified by law as the guardian of minor children or incompetent adults pursuant to testamentary or court appointment, but excludes a person who is merely a guardian ad litem.
Leave of Absence	Means a legally permissible or policy approved period of time during which employees are not physically present for work.
Leave Time	Means the accrual and/or use approved leave.
Loudermill	Means the right to a hearing as part of the "due process" requirement that must be provided to a government employee prior to removing or impacting their employment property right, such as suspension, demotion, and/or dismissal.
Minimum Qualifications	Means the requirements of training, experience, education, knowledge, skills, abilities, and other qualifications to be measured by any combination of written, verbal, or performance examinations, as prescribed for a given job.
Non-exempt Employee	Means an employee who is required to keep record of hours worked and who is eligible for overtime pay as defined by the Fair Labor Standards Act.
Out-of-class	Means performing the majority of essential functions of a job in a higher grade/class.
Overtime Pay	Means pay at a rate not less than time and one-half of the regular pay rate for employees covered by the Fair Labor Standards Act who have worked in excess of 40 hours in a workweek.
Part-Time Employment	Means employment in a job which normally requires less than 40 hours of work per week.
Pay Grade	Means the alpha and/or numerical designation assigned to a job in the County's Compensation (Pay) Plan.



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Pay Period	Means a two-week period of time starting on Sunday at 12:00 a.m. and ending two weeks later on Saturday at 11:59 p.m.
Personnel Officer (Human Resources Director)	Means the employee appointed by the Board of County Commissioners to administer the County Civil Service Act, or designee.
Personnel Policy Board	Means the persons in sympathy with the application of merit principles to public employment and who are not otherwise employed by the County who are appointed to fulfill the requirements of the Nebraska County Civil Service Act (Nebraska Revised Statutes §23-2521 and §23-2522).
Personnel Rules and Regulations (PRR)	Means the personnel administration system adopted by the County Commissioners for employees of the classified service as required by the Nebraska County Civil Service Act.
Political Subdivision	Means a government unit (e.g. cities, counties) which falls under the jurisdiction state government.
Position Start Date	Means the first day of compensable work in a given job; this date will be used for determination of eligibility for future performance reviews and compensation and/or benefit administration.
Probationary Employees	Means employees who have not completed their Introductory Probationary Period after their classified appointment.
Promotion	Means a change from a job of one grade/class to a job in a higher grade/class.
Protected Health Information (PHI)	Means any information about health status, provision of health care, or payment for health care that can be linked to a specific individual.



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Reallocation	Means the assignment of a job from one class to a different class due to significant changes in the job description.
Reclassification	Means the assignment of a job to a grade different from the one to which it was previously assigned due to significant changes in the job description.
Recall List	Means the list of tenured employees separated from County employ as a result of layoff and whose names have been placed on the list at the discretion of the Human Resources Director in accordance with the provisions of the Personnel Rules.
Red Circle	Means a rate of pay that is above the maximum salary rate for the job's grade.
Reprimand	Means a formal notice informing employees of the specific manner in which their conduct and/or work performance is not meeting standards.
Resignation	Means the termination of employment at the discretion of the employee.
Retirement	Means the as the voluntary separation from County employment that meets other applicable requirements of such status.
Seasonal Appointment	Means an appointment to a job of limited terms which coincides with a particular season or seasons not to exceed one (1) year.
Supervisor/Manager	Means a person in charge of a unit or operation of a department.
Suspension	Means a forced leave of absence for disciplinary and/or investigatory purposes.
Temporary Appointment	Means an appointment to a job established for a period not to exceed one (1) year.



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Tenured Employee	Means an employee who, after satisfactory completion of the Introductory Probationary Period, has acquired the rights and privileges of employee in the classified service.
Transfer	Means the movement of an employee from one job to another job of the same grade/class or of another class which does not result in an increase in base wage.
Trial Period Probation	Means a designated period of examination following a transfer or promotional appointment during which an employee can be demoted or removed by the Appointing Authority for cause.
Unclassified Position	Means a job which has been specifically excluded from the classified service as outlined in the Nebraska County Civil Service Act (Nebraska Revised Statute §23-2519).
Verbal Reprimand	Means a form of discipline in which the employee is notified of unacceptable job performance and/or conduct/behavior; this level of discipline is not subject to grievance proceedings.
Work Week	Means the one week period of time beginning at 12:00 a.m. on Sunday and ending the following Saturday at 11:59 p.m.
Written Reprimand	Means discipline action in which employees are notified in writing of their unacceptable work performance and/or conduct/behavior, which may include a probationary period. This level of discipline is not subject to grievance proceedings.



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Section 1: Coverage

As provided for in Nebraska Revised Statute §23-2528, employees in the classified service who have completed their Introductory Probationary Period shall have permanent tenure until they resign voluntarily or are separated in accordance with the PRR governing retirement, dismissal, or layoff. Additionally, an employee with a probationary, provisional, temporary, or emergency appointment shall have no tenure under these appointments and may be separated from employment by the appointing authority without any right of appeal unless specifically permitted elsewhere in the PRR.

Employees within collective bargaining unit and subject to a collective bargaining agreement which contains the same or substantially similar provisions as the provisions within the PRR are required to avail themselves of the provisions of their collective bargaining agreement and shall be excluded from the application of the PRR regarding those provisions.

Further, should there be any conflict between a collective bargaining agreement and the PRR to the extent the collective bargaining agreement addresses a matter the collective bargaining agreement shall prevail for those employees included in the collective bargaining unit.

Any references in the PRR to the masculine gender shall include both the masculine and feminine gender.

Section 2: Unclassified Service Defined [Nebraska Revised Statute §23-2519]

The County Service shall be divided into the “classified service” and the “unclassified service.” All positions of the County shall be in the classified service unless specifically designated as being in the unclassified service as established by the County Civil Service Act. Positions in the unclassified service include the following:

- County Officers elected by popular vote and persons appointed to fill vacancies in such elective offices;
- Department Heads;
- One principal assistant or Chief Deputy for each County Department (when more than one principal assistant or Chief Deputy is mandated by law, all such positions shall be in the unclassified service);
- County Personnel Officer;



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- Administrative Assistant to the Board of County Commissioners;
- Attorneys;
- Employees of an emergency management organization;
- Deputy Sheriffs;
- Bailiffs;
- Members of boards and commissions appointed by the Board of County Commissioners;
- Physicians, and
- Persons employed in a professional or scientific capacity to make or conduct temporary and special investigation or examination on behalf of the Board of County Commissioners.

Section 3: Savings Clause

If any provision of the PRR or any part or section thereof is subsequently declared to be unlawful or unenforceable by any court of competent jurisdiction or by the operation of any federal law or statute of the State of Nebraska, all other provisions of the PRR shall remain in full force and effect.



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Section 1: Appointment of Members

In accordance with the County Civil Service Act, Nebraska Revised Statute §23-2521, no Personnel Policy Board member shall hold during his/her term, or shall have held for a period of one year prior thereto, any political office or a position as officer or employee of a political organization.

Employees in the classified service shall make two (2) appointments to the Board by election. Human Resources will coordinate periodic elections in coordination with the expiration of terms, and the cost of elections shall be paid by the County. Should there be only one interested candidate for a classified appointment to the Personnel Policy Board, the candidate will be appointed to fill the vacancy without an election.

Elected Officials and County Commissioners shall develop their own procedures for making appointments to the Personnel Policy Board and communicate appointments to the Human Resources Director. County Commissioners shall appoint two (2) individuals and Elected Officials shall appoint two (2) individuals to the Board and be responsible for the appointment of any vacancies as a result of term expiration or resignation.

The Human Resources Department will provide, to new Board members, training and resources as to the duties of the Personnel Policy Board.

Section 2: Removal of Members

In accordance with Nebraska Revised Statute §23-2521[4], the Board of County Commissioners may remove any member of the Personnel Policy Board for neglect of duty or misconduct in office after first giving the member a copy of the reason or removal and providing for the member to be heard publicly before the Commissioners and Elected Department Heads. A copy of the charges and a record of the hearing shall be filed with the County Clerk.

Section 3: Organization

The Board, as appointed and organized in accordance with the County Civil Service Act, shall not be bound by any rules of order, evidence, or procedure in its meetings, hearings, or investigations, except such as it may itself establish, or is otherwise outlined in the PRR or as required by the Nebraska Open Meetings Act.



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Section 4: Powers and Duties

The Board shall have the powers and duties as assigned it to by Nebraska Revised Statute §23-2522.

Section 5: Quorum

Four (4) members of the Board shall constitute a quorum for the transaction of business and three (3) affirmative votes shall be required for final action on any matter acted upon by the Board.

Section 6: Board Minutes

The Human Resources Director shall attend all meetings of the Board, act as its secretary, and record its official actions in the minutes. The minutes shall include the time and place of each meeting, names of the Board members present, all official acts of the Board, the votes of each Board member, and when requested a Board Member's dissent with stated reason. The Human Resources Director shall cause the minutes to be presented for approval or amendment at the next regular Board meeting. The minutes covering formal action of the Board, or a true copy therefore approved by a majority of the Board shall be open to public inspection in accordance with Nebraska law.



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Section 1: Responsibility of the Board

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

Section 2: Date of Hearing

A Hearing shall be held within 30 working days, or as soon as a quorum can be achieved, after receipt of said appeal or grievance, and at such time and place as shall be fixed by the Chair and the Human Resources Director.

Section 3: Notice of Hearing

The Human Resources Director shall give the appellant or grievant and the Department Head prompt notice of the time and place set for the Hearing. The notice shall be given at least 14 calendar days prior to the Hearing. In the case of the appellant or grievant, the notice shall be by regular and certified mail, addressed to the employee's last known address, as shown in the employee's personnel record unless such notice is waived in writing by the employee.

Section 4: Continuance/Layover of Cases and Adjournment

The Board will generally grant only one (1) continuance of a case and only in such instances where an emergency situation exists. Emergency situations constitute, but are not limited to, health issues, family emergencies, or severe weather conditions. Emergency situations do not include a last minute decision to use an attorney or union representative to represent the appellant's or grievant's interests. Written documentation for a continuance must be provided to the Human Resources Director seven (7) or more calendar days or as soon as reasonably possible prior to the Hearing date.

Hearings on appeals or grievances may be adjourned prior to completion of the Hearing only upon good cause shown and/or by agreement of the parties.



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Section 5: Access to Pertinent Data

In order to discharge its function properly in regard to review, the Board Members shall have access to any County files, correspondence, memos, departmental files, etc., which they feel might be pertinent to the case unless cause is shown why such files should not be provided at such a Hearing.

The Board shall have the right to question any officer or employee of the County whom they feel may be able to shed light on the circumstances involving the action in question.

No officer or employee shall be subjected to disciplinary action as a result of testimony given, with the exception of a violation of law.

Section 6: Scope of Board's Review

In its review of an employee appeal, the Board shall limit itself to the question of the appropriateness of the action and related matters, and to the following:

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

In such cases, the Board shall affirm the action of the Department Head unless it is clearly established by evidence in the record that:

1. The employee did not commit the transgression(s) charged, or
2. The discipline imposed was not authorized under the provisions of the PRR or the relevant collective bargaining agreement, or
3. The Department Head, in imposing the discipline, failed to take into consideration any mitigating factors which may have existed in connection with the transgression(s).



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B. *Review of Grievance:* In its review of the Department Head's answer to the employee's grievance, the Board shall limit itself to interpretation of the relevant PRR and/or the relevant collective bargaining agreement cited in the grievance, and the facts which are the basis for the grievance.

Section 7: Exhibits

Each party must provide exhibits electronically to the Human Resources Director at least seven (7) calendar days prior to the Hearing. Exhibits from the appellant or grievant must be labeled alphabetically A through Z and exhibits from the defending party must be numerically labeled 1, 2, 3, etc. Failure to abide by this timeframe will result in the lack of exhibits for the Hearing.

Section 8: Witnesses

The Board shall have the authority, either upon its own initiative or upon application of any party, to compel any County employee to appear before it for the purpose of giving testimony or otherwise providing relevant evidence. The procedure for compelling the attendance of a County employee before the Board shall be as follows:

- A. If attendance of a County employee before the Board is sought by one of the parties, that party shall, not less than seven (7) calendar days prior to the date of the meeting at which the employee's attendance is sought, submit to the Board, through the Human Resources Director, a written request to compel the attendance of the witness or witnesses. The party shall also send copies of such request to the opposing party or their attorney.
- B. Such request shall include, for each employee whose attendance is sought, the following information: the employee's name, department, reason(s) attendance is sought, general subject matter on which employee is expected to offer evidence, a summary of the testimony (if any) which the employee is expected to give, the substance of any other evidence the employee is expected to give, the date and approximate time at which the employee's attendance is necessary, the approximate amount of time that the employee will need to be present, and any other information pertinent to the request.
- C. Following the receipt thereof, any other party may respond to a request to compel the attendance of a County employee before the Board, and may supplement their witness list. Any such response shall be in writing and shall be received by the Human Resources Director not later than the close of business on the second



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

- D. The parties and Department Heads shall cooperate in order to minimize the amount of time employees will be required to spend away from their duties as a result of being compelled to appear before the Board.
- E. As soon as the necessary arrangements have been made, the Department Head shall notify all affected employees and order them to appear accordingly. Employees who fail to comply with any such order without adequate excuse shall be subject to formal discipline.
- F. In the event an employee fails to comply with an order to appear before the Board, the Board pursuant to the provisions of Nebraska Revised Statute §23-2522[6], shall immediately issue and cause to be served on the employee a subpoena directing the employee to appear before the Board to give evidence at a date and time to be specified by the Board.
- G. All time spent by an employee, compelled to appear by either party, in a Hearing before the Board pursuant to this Rule shall be considered time spent in performance of the employee's duties, and the employee shall be compensated accordingly by the County.

Section 9: Hearings

Hearings before the Board shall be public, comply with the Open Meetings Act, and are conducted in an orderly manner with the presentation of all material facts so that a fair and impartial decision may be reached. The Board Chair shall have full authority at all times to maintain orderly procedure and to reject irrelevant matters and limit the Hearings to relevant facts.

As far as the order of presentation, the County shall present to the Board first unless agreed upon differently by both parties.

All parties are requested to keep their opening remarks to no more than five (5) minutes. Such remarks should indicate the nature of the issue/appeal and key points they plan to present to the Board.

If the complaint involves legal issues/challenges, the Board must be notified at least seven (7) calendar days prior to the Hearing.

Notification shall be made to the Human Resources Director at the listed mailing/email address or phone number.



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The Board will have such issues reviewed by an attorney representing the Board.

All witnesses testifying will be sworn-in prior to their testimony and will need to state their full name, position with the County or other organization, and/or their relationship to the appellant or grievant. They will remain under oath if recalled to testify.

At the end of the presentation of the case, all parties are requested to keep their closing remarks to less than five (5) minutes.

Section 10: Failure to Appear

In the event that the appellant or grievant shall fail to appear in person or by counsel at the time and place set for Hearing, the appellant or grievant shall be presumed to have waived his/her right to further Hearing, and the Board shall dismiss the appeal or grievance. The Human Resources Director shall inform the party within five (5) calendar days of such dismissal as well as his/her right to request the Hearing be rescheduled.

The Board may reschedule the Hearing upon written presentation, by appellant, grievant, and/or counsel, of evidence of extenuating circumstances which prevented the appearance of appellant or grievant and/or counsel. Such evidence shall be in writing and submitted to the Human Resources Director within seven (7) calendar days of the original Hearing date.

The Board will determine if a rescheduled Hearing will be approved based upon the written documentation. The Board's decision will be communicated to both parties within five (5) calendar days of the Board's decision.

Section 11: Representation

Appellant or grievant may, at his/her election, be represented by counsel, at their own expense.



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Section 12: Conduct

Representatives, whether employees, management, union representatives, or attorneys must remain professional at all times in regard to the presentation of the case, witness examination/cross-examination, objections, and comments to the Board as well as to all parties referred to in the case. Proper case presentation is expected by all parties.

Section 13: Executive Session(s)

The Board will go into Executive Session in situations when it becomes necessary for the protection of the public interest and for the prevention of needless injury to the reputation of any individual, unless the grievant or appellant requests a public hearing.

Section 14: Board Decision

After returning from Executive Session, the Board will usually have a decision. However, the Board at its discretion may recess and consider the case at a later date.

The decision shall be reduced to writing, shall include the Board's findings, and shall be sent to the representatives of each party within fifteen (15) calendar days of the Hearing. The Human Resources Director may also contact each of the respective parties with the Board's decision.

Section 15: Minutes and Recordkeeping

All Hearings will be recorded. The Human Resources Director shall act as the Board's secretary and keep minutes of its proceedings. The Board's rulings will be maintained in accordance with state and federal record-keeping requirements.



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Section 1: Introduction

The Human Resources Director is charged with the responsibility of overseeing the Selection Process for all classified jobs. All aspects of employment shall be conducted in compliance with applicable federal and state statutes. The following Regulation is established to ensure fair and consistent treatment and to provide an orderly and efficient means to fill vacancies with the best qualified applicants.

The Human Resources Department may, in conjunction with the appointing authority, develop competitive examinations for all positions within the classified service. All such testing shall meet all state and federal Equal Opportunity Bona Fide Occupational Qualifications (BFOQ) guidelines for validity, reliability, and job-relatedness. Candidates may be required to complete job specific testing as required by statute, regulation, and/or accreditation standards.

All appointments shall be completed as outlined in this Regulation unless specifically stated otherwise in the PRR.

Section 2: Request for Personnel

The appointing authority shall notify the Human Resources Department when a vacancy exists by submitting a Personnel Requisition Form. The requisition may be for one or more jobs within the same class. The appointing authority shall make such request as far in advance as possible in order to ensure proper examinations and/or tests are available.

Prior to posting, a review of the job description shall occur. Once the job description is finalized, the Dimensional Scoring System (DSS) shall be utilized to ascertain any changes in the job grade. If the DSS results in a change in grade, the vacancy shall be posted at the new grade.

A job change is not considered a vacancy when:

- A. The job title and/or a grade change occur as a result of a job reclassification conducted by the Human Resources Department that does not result in the creation of a vacancy, or
- B. Job(s) are transferred from one County Department to another provided the action taken has been approved by all appointing authorities and the Human Resources Director.



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Section 3: Posting of Vacancies

Jobs shall first be posted internally for consideration by all eligible employees of Sarpy County. Internal job postings shall occur for five (5) calendar days. Employees applying for an internal job posting shall receive appropriate consideration of their record of performance, seniority, conduct, and other job-related factors.

If the internal job posting does not yield qualified candidates, the vacancy shall be posted externally for a minimum of seven (7) calendar days.

Job postings and related notices shall be created by the Human Resources Department and shall be advertised on the County's website and/or other local media as deemed appropriate by the Human Resources Director.

The Human Resources Director shall make every reasonable effort to attract qualified persons to compete for externally posted positions. In the event a sufficient number of qualified applicants have not applied, the Human Resources Director with concurrence of the appointing authority may extend the closing date for the purpose of gaining additional qualified applicants.

Job postings shall specify the following:

- Class, job title, and pay rate
- Essential functions,
- Minimum qualifications,
- Physical demands and working conditions,
- Job posting closing date, and
- Other pertinent information or requirements.

Section 4: Application Process

All applicants' applying for Classified, Temporary, or Seasonal appointments, internal or external, must complete an online application located on the County's website along with any examinations/tests within the published posting dates. Any application not fully completed, including any examinations/tests, shall not be considered further in the Selection Process.

Applicants may be asked voluntary questions relating to race, color, national origin, sex, age, disability, genetic information, religious or political affiliation, marital status, and any



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other protected class for reporting purposes as defined by federal or state law. This information shall not be considered part of their application and shall be maintained as confidential data.

Former employees may apply for re-employment and will be evaluated with other external candidates. The Human Resources Department will review and evaluate the record of former employees and determine their eligibility for re-employment. Rehired employees will maintain continuous service time if they return within 30 calendar days of their separation date.

Section 5: Selection Criteria

Once a job posting has closed, the Human Resources Department will forward a list of candidates for the appointing authorities to review. These candidates shall possess the minimum qualifications for the position, as stated in the job description. The Human Resources Department shall seek input from the appointing authority in the development of an Eligible List.

Appointing authorities may not utilize an examination/assessment for selection without prior review and approval of the Human Resources Director.

Section 6: Candidate Disqualification

The Human Resources Director may refuse to place a candidate on an Eligible List, remove a name from an Eligible List, or consult with the appointing authority in taking steps to remove such person already appointed if any of the following apply.

This following list is not fully inclusive:

- A. Found to lack or not meet any of the established qualifications required for the position;
- B. Failure of a drug and/or alcohol screen or voluntary admittance of illegal substance use;
- C. Refusal to participate in and/or failure of a bona fide pre-employment physical capacity and/or medical examination/test to determine if an applicant is physically capable of performing the essential functions of the job;
- D. Discovery of a false statement of material fact in the application documents and/or examination/testing process;



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- E. Attempting, directly or indirectly, to give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a job;
- F. Attaining, directly or indirectly, information regarding an examination/test to which, as an applicant, he or she was not entitled;
- G. Failure to submit application fully and/or correctly within the posting deadline;
- H. Participating in the compilation, administration, scoring, or correction of an examination/test for which he/she is an applicant;
- I. Previously dismissed from the County for cause or resignation while charges of dismissal for cause were pending;
- J. Conviction of a felony or misdemeanor pertaining directly to the job ;
- K. Willfully violating provisions of federal or state law, PRR, and/or any departmental rules;
- L. Failure to demonstrate suitability of employment based upon an unsatisfactory reference or background check or previous documented, unsatisfactory employment with the County;
- M. Failure to participate and maintain satisfactory driving standards as established by the Sarpy County Safety Committee, if job duties require the operation of a County vehicle or own vehicle for County business; or
- N. Other such reasons, as documented in the application documents or discovered during background checks, where employment of such individual would be detrimental to the best interests of the County.

Section 7: Eligibility for Promotion/Transfer

Employees applying for a posted job for a promotion/transfer:

- A. Employees must have completed their Introductory Probationary Period or Trial Period Probation on or before the posting deadline. Probationary part-time employees may apply for jobs of the same job title in their current department.
- B. Employees must meet the minimum qualifications of the posted position.
- C. Employees must have a recent performance appraisal rating of “satisfactory” or higher within 12 months prior to the job posting except in those instances in which no performance appraisal is on record in their Civil Service personnel file.



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D. Employees may not have been suspended within the last 12 months prior to the date the posting closes.

E. Employees who received a non-voluntary demotion within the last 24 months are ineligible.

NOTE: Probationary employees may apply for promotions and transfers for Open-Competitive (external) job postings.

Section 8: Examination, Testing, and Rating Process

Public announcement of all examinations/tests shall be included in the job posting. The Human Resources Director has the authority to prescribe the rating process and to place the names of successful candidates on Eligible Lists in accordance with their respective ratings. The rating process shall be constructed to determine the applicant's ability to perform and meet the requirements of the posted job.

The determination of ratings may be comprised of various job-related examining techniques, such as the rating of training and experience, written tests, interviews, professional licensing/certification, performance tests, aptitude tests, knowledge, skills, character, personality, investigations, or physical fitness as determined by physical or medical examination, or any other qualifications or attributes that enter into the determination of the relative fitness of applicants.

The review of applications to determine an initial disposition shall be based upon the following steps:

- Examination/Testing Results,
- Supplemental Question/Filter Responses,
- Subject Matter Expert Review, and/or
- Other factors relating to the applicant's ability to perform the job.

Examinations/tests shall be scored objectively. Examinations/tests may be assembled or unassembled and may include written, verbal, physical, or performance tests as well as any combination of these. The Human Resources Director in consultation with the appointing authority shall determine the appropriate examinations/tests for any posted position.



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The Human Resources Department in consultation with the appointing authority shall identify/create Supplemental Questions (SQs) and/or Filters. Established SQs/Filters may be reused for future postings of the same job title.

The appointing authority shall complete a Subject Matter Expert (SME) review of the applicants who meet the minimum qualifications of the job. During this review, the appointing authority shall rate the relevance of the candidate’s education, training, and experience and shall assign a numerical value using the following criteria:

Rating Definition	SME Points
Meets desired qualifications for education, training, and experience	96 - 100
Meets most of desired qualifications for education, training, and experience	50 - 95
Meets some desired qualifications for education, training, and experience	1 - 49
Does not meet desired qualifications for education, training, and experience	0

The minimum rating through which eligibility may be determined is at the discretion of the Human Resources Director. A minimum passing score may apply to the rating of each segment or phase of the total score.

All applicants shall be afforded uniform and equal treatment in all phases of the rating process.

Section 9: Preference Scores

Employees applying for posted jobs within their current department will receive preference for consideration of internally posted jobs. This preference shall be awarded as follows as long as the employee meets the minimum qualifications for the posted job.

The preference for a current, qualified employee applicant is 15 percent.

Veterans shall be eligible for preference as long as the following applies:

- A. Applicants have identified themselves as a:
 - Veteran who served full-time duty with military pay and allowances in the armed forces of the United States;
 - Disabled veteran who has been discharged or otherwise separated under honorable conditions and has established the present existence of a service-



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connected disability or is receiving compensation, disability benefits, or pension because of a public statute administered by the United States Department of Veteran Affairs or a military department;

- Spouse of a veteran who has a 100 percent disability as determined by the United States Department of Veterans Affairs;

B. Applicants have provided a copy of their discharge papers (DD Form 214) with a characterization of honorable or general (under honorable conditions), and a copy of the veteran's disability verification, and proof of marriage to a veteran (if applying for spousal preference).

The amount of preference for qualified veterans is as follows:

- A. Veterans who obtain passing scores on all parts or phases of an examination shall have five (5) percent added to their passing score if a claim for such preference is made on the application, and
- B. An additional five (5) percent shall be added to the passing score of any disabled veteran.
- C. When no examination or numerical scoring is used, preference shall be given to the qualifying veteran if two or more equally qualified candidates are being considered for the same job.

Section 10: Notification of Examination Results

The Human Resources Department shall notify applicants of their final disposition once the Eligible List has been certified by the Human Resources Director. Applicants who are on the Eligible List shall be entitled to information as to their relative position on the List upon written request and with the presentation of proper identification. This request must be received within 15 calendar days of final disposition notification.

Section 11: Conclusion of Rating Process

This rating process shall be utilized in establishing applicant's final scores. Certification of eligibility for appointment to vacancies shall be as a result of this rating process, which limits selection from among the highest ranking available and eligible candidates and which also permits selective certification as prescribed in this Regulation. Prior to certification on the Eligible List, the Human Resources Department may conduct such investigations of applicants' education record and/or work history as is deemed necessary.



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Section 12: Applicant Appeal and Adjustment Process

Applicants who posted for a vacant job posting may appeal to the Human Resources Director for a review of their total rating to ensure that uniform procedures have been applied equitably and fairly. Within 15 calendar days of receiving the examination/test results, applicants may notify the Human Resources Director of any errors and have such errors corrected.

If the Referred List of candidates has not yet been established, the Human Resources Director shall alter the Referred List to include applicants if warranted by the corrected score. However, if an appointment has been made from the Referred List, applicants shall be placed on the next Referred List regardless of their total score.

If dissatisfied with the review conducted by the Human Resources Director, a request may be filed with the Personnel Policy Board for an opinion.

Section 13: Selection Process Recordkeeping

All applicable documents used in association with the Selection Process shall remain active for the job for which it was submitted for a maximum of 90 calendar days. If a different job is posted, interested applicants would need to submit an application and any related documents for the newly posted job within the established time limits in order to be considered.

The Human Resources Department shall be responsible for the maintenance and safe-keeping of all records pertinent to the selection processes including those distributed, used, and/or received by the appointing department.



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Section 1: Introduction

This Regulation addresses the various Employment Lists that may be utilized in the appointments of candidates associated with job postings.

Section 2: Establishment, Certification, and Maintenance of Lists

In accordance with the County Civil Service Act, the Human Resources Director shall be responsible for the establishment, certification, and maintenance of appropriate Employment Lists. Eligible Lists serve as a pool of qualified individuals who may be considered for current posted job vacancies or for future vacancies of the same job. Referred Lists contain the names of those individuals who shall be interviewed by the appointing authority and from whom an appointment shall be selected.

Section 3: Request for Certification of Eligibles

To fill a vacancy, the appointing authority shall submit a request for certification to the Human Resources Director for individuals currently on a certified list. The requisition may be for one (1) or more vacancies.

Section 4: Open-Competitive Eligible Lists and Certification

After the closing of an open-competitive job posting, the Human Resources Director shall establish and certify an Eligible List of candidates who are best qualified and eligible for the position based upon the job description and the examination criteria previously established for the job.

Applicants' names will remain on the Eligible List unless removed due to an authorized disqualification or the expiration of the Eligible List.

From the Eligible List, the Human Resources Director shall be responsible for the establishment and certification of a Referred List of the best qualified candidates from which the appointing authority shall make a selection.

Section 5: Open-Competitive Referred List Establishment and Certification

The appointing authority, prior to the job posting, shall establish the number of candidates to be placed on the Referred List. A minimum of five (5) candidates or 100% of the Eligible List, if less than five (5), must be placed on the Referred List. The



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Referred List shall contain qualified candidates ordered from the highest to the lowest total score as well as those candidates who hold the exact same score as the candidate ranked lowest on the Referred List.

The Human Resources Director shall certify the names of those eligible candidates for placement on the Referred List and shall be in accordance with a formula which limits the selection by the appointing authority from among the highest ranking available and eligible candidates, but which also permits selective certification under appropriate conditions within the PRR.

The Human Resources Department shall submit the Referred List to the appointing authority. Those candidates contained on the Referred List shall be interviewed. If the appointing authority, after interviewing the candidates, is unable to select a candidate from the Referred List, the Human Resources Director shall authorize additions to the Referred List from the next highest ranked group of candidates from the Eligible List.

The appointing authority may choose to retain up to five (5) candidates from the prior Referred List in addition to receiving the next group of candidates from the Eligible List. The appointing authority shall make a selection from the Referred List of candidates for appointment or request to repost should there be an insufficient number of candidates remaining on the Eligible and/or Referred Lists.

The appointing authority may request in writing to the Human Resources Director the omission of a referred candidate from any subsequent certifications for the same job. If the Human Resources Director agrees, the name of such candidate shall not be submitted to that appointing authority for other vacancies of the same job. If the Human Resources Director does not agree, a meeting will take place to discuss the situation in further detail with the Human Resources Director making the final decision.

Section 6: Authorized Reasons for the Removal of Names from a List

The Human Resources Director may remove the name of a qualified candidate from either the Eligible or Referred Lists based upon the following reasons:

- A. For any of the causes stipulated in *Rule 2; Regulation 1 Selection Process, Disqualification of Applicants*;
- B. Upon evidence that candidates cannot be located by phone, email, or if they have failed to respond by a specified deadline to an email of inquiry regarding availability for the positions for which they applied;



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- C. Upon notification from candidates that they no longer desire to be considered for the position;
- D. If a County position has already been accepted;
- E. Failure to appear for an interview or final examination;
- F. Failure to report for duty within the times specified by the appointing authority;
- G. Expiration of the Eligible and/or Referred Lists;
- H. For Promotions or Transfers, and
- I. Upon termination of County Service.

Section 7: Promotion/Transfer Lists and Certification

After each competitive examination held in accordance with *Rule 3 Promotions, Transfers, Demotions, and Detail Assignments*, the Human Resources Director shall prepare Eligible and Referred Lists in the same manner as those established for Open-Competitive vacancies.

Certification of appointment to vacancies shall be in accordance with a formula which limits selection by the appointing authority from among the highest ranking available and eligible candidates, but which also permits selective certification under appropriate conditions within the PRR.

Section 8: Temporary List

Whenever the services to be rendered by an appointee are for a temporary period, the Human Resources Director shall certify only the names of those eligibles who indicate their availability for temporary service and who meet the necessary qualifications.

At the request of the appointing authority, a temporary appointee may be permitted to apply for an internal job posting in the department to which they are temporarily assigned.

Section 9: Seasonal List

The Human Resources Director shall certify those eligibles who indicate their availability to work seasonal appointments and who meet the necessary qualifications. The names of those receiving a seasonal appointment may be carried over from one season to



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another without the appointee having to post or reapply for vacant jobs. Seasonal Lists shall remain in effect until such time as determined by the Human Resources Director that they have been exhausted.

Section 10: Recall List

Employees who have been laid-off shall be entitled to have their name placed on a Recall List for the job from which the layoff occurred, provided their request is in writing within 30 calendar days using the *Recall List Request Form*.

The order in which such names are arranged on each Recall List shall be determined by the Human Resources Director, who shall give consideration to their qualifications, record of performance, conduct, and seniority in service.

Employees are eligible to remain on a Recall List for one (1) year from the effective date of their layoff. Whenever a request is received for staffing, the Human Resources Director shall, if a Recall List exists for that job, certify only the names of the candidates available on such list. The appointing authority may make selection from anyone on the certified Recall List.

Section 11: Duration of Employment Lists

Eligible and Referred Lists shall remain certified for ninety (90) calendar days. This period may be reduced or extended by the Human Resources Director when it is deemed to be in the best interest of the County. However, in no case shall the name of a candidate remain on any list for a period greater than one (1) year with the exception of those names on a Seasonal List.

The determination of whether a specific position needs to be posted continuously will be made jointly by the appointing authority and the Human Resources Director. The Eligible and Referred Lists for those job requiring continuous recruitment and examination shall last indefinitely, unless terminated by the Human Resources Director. The name of a candidate shall not remain on these lists for longer than (1) year from the original date of its entry on the applicable list.

When an Eligible List becomes so depleted that the qualified candidates for imminent vacancies is impractical, the Eligible List will be considered exhausted. The Eligible List which has become exhausted shall be considered expired upon subsequent posting of the same job.



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Section 12: Selection from Referred List

The final selection by the appointing authority shall be entered into the online application system along with all pertinent information and notification provided to the Human Resources Department of the selection.

At the same time, the appointing authority using the online application system shall indicate the disposition and specific reasons of non-selection for all other candidates listed on the applicable Referred List.



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REGULATION 4: <i>Background Checks and Pre-employment & Post-employment Screens</i>	Pages: 1 of 8

Section 1: Introduction

Sarpy County in an effort to protect the general public, safeguard current and future employees, and shelter its assets shall perform non-employee, pre-employment background checks as an important part of the selection process. Background checks will not be required for existing employees unless job-related reasons arise which require their completion. The PRR ensures that pre-employment background checks comply with applicable state and/or federal laws.

Section 2: Background Checks

Written notification of the requirement to successfully pass background checks shall be stated in the job posting and/or at the time of interview.

Sarpy County will comply with the Fair Credit Reporting Act (FCRA). This Act applies to all background checks, such as education verification, driving records, credit reports, and other job-related records that are conducted by a third party. The FCRA requires that job applicants grant permission as well as acknowledge that information obtained may be used to make an employment decision. Third party background check(s) shall not be completed until the candidate's written authorization is received by the Human Resources Department.

The background information obtained shall not be used to discriminate on the basis of race, color, religion, national origin, sex, age, disability, genetic information, disabled veteran, Vietnam era veteran, or any other legally protected group.

The County may utilize a variety of background checks dependent upon the job requirements. Any of the following background checks may be conducted:

- Employment reference,
- Criminal background check,
- Sex offender registry,
- Education verification,
- Physical examination,
- Professional licensure verification,
- Credit check, and/or
- Other job-related verification.



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A favorable background check is defined as one that does not indicate any detrimental record, informational inaccuracies or discrepancies, or any other job-related concerns.

Background checks will be conducted in the final stage of the Selection Process or upon a conditional job offer depending upon the specific job. If background checks cannot be completed prior to the candidate's date of employment, they shall be completed on the first day of employment. If completed after the selected candidate begins employment, unfavorable background information may result in the termination of employment.

Newly hired employees shall comply with provisions of the Immigration Reform and Control Act of 1986 as well as the Nebraska New Hire Act or forfeit their position.

Emergency Appointment Exception: To avoid delaying the employment of an emergency appointment, background checks will be completed as soon as possible after the employee's date of employment.

Section 3: Background Check Process

- A. To be considered for employment, all candidates on the Eligible List must complete a Background Check Consent Form prior to the County conducting any pre-employment background checks,
- B. Job offers shall be made "contingent upon successful completion of background checks,"
- C. Candidates that provide false or misleading information in their application and/or pre-employment documents may be disqualified from further consideration,
- D. Having adverse results does not automatically preclude a candidate's eligibility for employment,
- E. All reports shall be individually reviewed by the Human Resources Department and decisions made with respect to employment based upon the totality of the candidate's qualifications as well as the results of the pre-employment background checks,
- F. In general, Human Resources' review of the relevance of a particular pre-employment background check to a candidate's eligibility for employment is based upon the following factors:
 - The nature and gravity of the unfavorable report,
 - The time that has passed since the event, and



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- The nature of the job held or sought, and
- G. Prior to taking any adverse action, appropriate pre-adverse and adverse action notices shall be sent by the Human Resources Department to candidates pursuant to federal and/or state laws together with a copy of the third-party reporting agency's background report, where applicable.

Section 4: Criminal Background Check

Criminal conviction information will be used solely for the purpose of evaluating a candidate(s) under final consideration for employment.

In order to be considered for employment, candidates shall provide information about any criminal conviction records during the final selection stages. For purposes of this Regulation, evidence of criminal history includes any conviction or plea of guilty or a plea of no contest.

Any candidate who refuses to consent to the required criminal background investigation; refuses to provide information necessary to conduct the background investigation; or omits, conceals, and/or provides false or misleading information in regard to the criminal background investigation shall be disqualified from further consideration for the position to which they applied.

In reviewing the results of a criminal background check, the Human Resources Department will review each candidate's report considering the following factors to determine whether there is a substantial relationship/correlation between the criminal record and the job's requirements:

The Offense: The nature, severity, and intentionality of the offense(s) including, but not limited to:

- A. The statutory elements of the offense (rather than the candidate's account of the facts of the offense),
- B. The candidate's age at the time of the offense(s),
- C. The number and type of offenses (felony, misdemeanor, traffic, other),
- D. The time elapsed since the last offense,
- E. The candidate's probation or parole status,
- F. Whether the circumstances arose out of an employment situation, and



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G. Whether there is a pattern of offenses.

The Position: The duties, responsibilities, and circumstances of the position applied for including, but not limited to:

- A. The nature and scope of the position, including access to facilities, cash, and to vulnerable populations, such as minor children,
- B. The nature and scope of the position's interpersonal contact,
- C. The nature and scope of the position's autonomy and discretionary authority,
- D. The amount and type of supervision received or provided to subordinate staff,
- E. The sensitive nature of the data or records maintained or to access of those records,
- F. The opportunity presented for the commission of additional offenses, and
- G. The extent to which acceptable job performance requires the trust and confidence of the County or the public.

In accordance with federal and/or state laws, a previous conviction will not automatically disqualify an individual from consideration for the position.

Subsequent Criminal Convictions: In the event that the external candidate receives a criminal conviction that does not appear on a pre-employment criminal background check, the candidate shall notify the Human Resources Department or the appointing authority immediately. The Human Resources Department along with the appointing authority will determine whether or not the conviction is relevant. If the conviction is not relevant, no adverse action will be taken. If the conviction is relevant, employment may be terminated or the candidate may not be hired. Any final candidate failing to notify the Human Resources Department or the appointing authority about a "subsequent criminal conviction" that proves to be job-related shall be terminated.

Section 5: Credit Check

The credit check will be completed by the Human Resources Department and only conducted where a bona fide job-related element exists. Having adverse credit, such as a judgment, lien, derogatory accounts, or bankruptcy does not automatically exclude a candidate's eligibility for employment. Every candidate's credit report will be considered individually.

Job elements to determine the need for credit check include, but are not limited to:



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- A. Access to or responsibility for handling cash, checks, credit/debit cards, or cash equivalents,
- B. Access to secured data bases,
- C. Access to the payroll system and/or payroll information,
- D. Access to or permanent retention of confidential information,
- E. Access to social security numbers,
- F. Involvement in any employment investigation,
- G. Providing care and/or supervision of minors,
- H. Positions with limited supervision and/or oversight,
- I. Conduct that bears significantly on the County's reputation,
- J. Access to or responsibility for data systems/networks whose unauthorized access/modification could adversely affect the County,
- K. Ability to commit County funds through contracts/purchase orders,
- L. Responsibility for invoice approval and payment/expense reimbursements,
- M. Access to buildings with master keys, and
- N. Regular operation of County-owned vehicles.

Factors to be taken into consideration in reviewing a credit report include, but are not limited to, monetary judgment(s), dollar amount of judgment(s), number of derogatory accounts, dates of derogatory accounts, credit score, number of inquiries, etc.

Additionally, consideration shall be given to whether or not the candidate's personal financial standing will interfere with his/her ability to perform the job duties or increase the likelihood that defalcation (i.e. misappropriation of funds and/or assets) may occur. Extenuating circumstances such as illness, divorce, or other family-related problems will be taken into consideration.

If adverse action is taken on the basis of a third-party reporting agency, the Human Resources Department shall notify the applicant of the adverse action and shall provide the candidate with a "Statement of Consumer Rights" as required by the FCRA.



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Section 6: Reference Check

Reference checks may be conducted on final candidates verifying the accuracy of their credentials. To comply with federal and state statutes, the type of information that will be collected includes, but is not limited to, prior employment, education, attendance record, character, reputation, or other job-related items. Reasonable caution shall be exercised when interpreting reference data to ensure compliance with anti-discrimination laws.

References may be completed by the Human Resources Department prior to employment. If a decision is made not to contact references, the specific reason shall be documented by the Human Resources Department within the candidate's online employment application.

Section 7: Pre-employment and Post-employment Substance Abuse Screens

All candidates (including emergency, provisional, seasonal, temporary appointments and rehired employees) shall be required to complete a pre-employment substance abuse screen. The screen will be performed by the County's official testing facility. The Human Resource Department shall schedule the substance abuse screen prior to employment or on the employee's date of employment.

If the candidate fails the substance abuse screen, the candidate shall be permitted an opportunity to submit relevant medical information pertaining to the failed results. Candidates have 72 hours to contact the County's authorized testing facility.

The Human Resources Department will oversee ongoing random testing for those employees who are required to submit to such testing as required by state or federal law, such as Department of Transportation requirements.

Section 8: Physical Exams

For certain jobs, the County shall require job-related physical examinations. The examinations will only be scheduled after a conditional job offer has been extended and accepted by the final candidate in compliance with the Americans with Disabilities Act. The County reserves the right to require physical examinations (fitness for duty exams) when there is a need to determine whether an employee is still able to perform the essential functions of the job or for concerns regarding the safety and protection of the employee or others.



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Based upon the job, the Human Resources Department shall utilize a third-party medical provider to determine the standard criteria for physical examination.

- A. The Human Resources Department shall schedule physical examinations and communicate the overall outcome (pass or fail) to the appointing authority.
- B. Final candidates who successfully meet the physical requirements as well as other background checks may be hired.
- C. If the physical examination results in an unfavorable outcome, the Human Resources Department will notify the appointing authority.

Disqualification from the job offer shall be job-related and consistent with business necessity, including, but not limited to, failure to meet the physical requirements, inability to perform the essential functions with or without accommodation, posing a direct threat to the safety of the employee or others, or if accommodations would place an undue hardship on the County.

Section 9: Candidate Notification of Adverse Results

The Human Resources Director shall notify the appointing authority (and where necessary legal counsel) of adverse background check results. The Human Resources Director shall discuss the information with the appointing authority. Once results are evaluated, a determination shall be made whether to withdraw the conditional offer of employment. If a conditional offer of employment was extended, the appointing authority shall call the final candidate(s) and withdraw the job offer. If a conditional offer was not yet completed, the Human Resources Department shall notify the candidate of the unfavorable result. The Human Resources Department will send any applicable notices and report copies in accordance with the Fair Credit Reporting Act (FRCA).

Challenging the Accuracy of a Background Record: Final candidates who dispute or contest information provided by a third-party reporting agency must contact the applicable agency. It is the candidate's responsibility to challenge the report and arrange for any corrections within 15 calendar days.

Section 10: Record Keeping and Maintenance

Background checks and employment screening information is considered sensitive and confidential. Overall results will only be released by the Human Resources Department



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to the appointing authority if there is a potential concern about the results in relation to the performance of the essential functions of the job.

Background checks conducted by the Human Resources Department and/or the Sheriff's Office shall be considered part of the candidate's employment record, and therefore, will be retained in the Human Resources Department in accordance with applicable state and federal law.

If candidates are hired, background check results will be filed in and become a permanent part of the employee's civil service file unless they involve a third-party reporting agency in which case the records will be destroyed once the employment decision occurs, in accordance with the FCRA. Disposal methods include shredding paper documents and destroying or erasing electronic information so that the documents cannot be read or reconstructed.

Section 11: Disclaimer

It is not the purpose of this Regulation to establish an organization-wide standard for background checks and pre-employment screens. Every case must be decided on its own merit subject to the requirement that all candidates be treated equally and consistently. Any questions regarding this Regulation should be addressed to the Human Resources Director.



PERSONNEL RULES AND REGULATIONS

RULE 2: <i>County Employment</i>	APPROVED: REVISED:
REGULATION 5: <i>Job Offers, Employment Conditions, and Re-employment</i>	Pages: 1 of 4

Section 1: Offers of Employment

It is a requirement of this Regulation that all job applicants, including re-hires, accurately complete all documents, electronic or paper required throughout the Selection Process.

Information gathered from background checks and pre-employment screenings shall be kept confidential and disclosed only to individuals involved in the hiring decision. Appointing authorities shall not disclose or discuss this information. The information may also be disclosed to state and federal agencies as authorized or required by state or federal law.

Offers of employment will only be extended through written, conditional offers. These offers are contingent upon the County's ability to verify the accuracy and truthfulness of all of the information provided on the job application and other documents provided throughout the Selection Process. Conditional offers are also contingent upon the candidate's full cooperation with the production of references and the attainment of signed releases, consent forms, criminal history records, and any other information required by the PRR or state/federal law.

Prior to the appointing authority extending the conditional offer of employment, the appointing authority is to coordinate with the Human Resources Department the exact pay rate for the offer.

The following items comprise the "conditions" of the offer and must be communicated to the candidate at the time the employment offer is made:

- A. Successful verification and/or completion of background checks, such as references, education, employment, work experience, licensure, certifications, criminal record, and other applicable screening methods used to assess the candidate's overall suitability to be employed for the applicable position.
- B. Successful completion of a pre-employment drug and/or alcohol screen. Such screenings will be conducted at a health care facility, clinic, or healthcare professional office selected by the Human Resources Department. The cost associated with these screenings will be paid by the County.
- C. Meeting the "acceptable driver standards", as defined by the County, when driving is a bona fide job requirement. Furthermore, if the position requires a Commercial Drivers' License, the offer is conditional upon the candidate meeting all regulatory requirements.
- D. Successful completion of a health screening, (if a bona fide job requirement), showing an ability to perform the essential functions of the position. Such



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screenings will be conducted at a healthcare facility, clinic, or healthcare professional office selected by the Human Resources Department. The cost associated with these screenings will be paid by the County.

- E. Submitting appropriate documentation establishing identity and right to be lawfully employed in the United States as determined by the Immigration Reform and Control Act of 1989 and applicable state law.

Once the conditions of the job offer have been successfully completed, the appointing authority will provide the candidate a minimum of one (1) business day to acknowledge in writing the acceptance of the final job offer. If accepted, the appointing authority will complete and submit to the Human Resources Department an Employee Action Form PRIOR to the first day of employment.

Failure by candidates to comply fully with all requirements within three (3) calendar days will result in the automatic withdrawal of any conditional job offer. The conditional job offer will not alter in anyway the “at-will” status of employment.

Section 2: Employment Conditions

Final candidates must abide by the following:

- A. Positions involving the operation of County vehicles, or a personal vehicle for County business, are required to maintain throughout employment a valid Drivers’ License, as well as meet eligibility requirements of “acceptable driver standards” as defined by the County.

For positions requiring a Commercial Driver’s License (CDL), drivers must submit to and abide by the Department of Transportation rules, regulations, requirements, and any other applicable state or federal laws.

- B. Employees, regardless of the job occupied, who are 1) formally charged with a felony, misdemeanor, or the violation of a law concerning the use, possession or manufacture of a controlled substance, including marijuana; or 2) convicted of a felony, misdemeanor, or a moving traffic violation are required to report the conviction or citation, in writing or by email, to the Director of Human Resources within seven (7) calendar days of its issuance. The Human Resources Director will make a determination as to the relevancy of the conviction or citation as it pertains to the essential functions of their job. Employees who omit, conceal, and/or provide false or misleading information regarding a conviction or citation will be investigated and subject to appropriate disciplinary action, up to and including termination.



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C. Compliance with all department policies and standard operating procedures and guidelines as well as the PRR, applicable collective bargaining agreements, and state and federal laws.

Section 3: Re-employment

Former employees are eligible to be rehired if they separate employment in good standing. These former employees will be given the same opportunities and will be held to the same eligibility requirements as other applicants.

Former employees seeking to be rehired must follow the same Selection Process as other applicants. The Human Resources Director will review former tenured employees' personnel file/record as well as contact the Department Head to gather applicable information regarding eligibility for rehire if a determination was not made at the time of separation. The Human Resources Director will review all applicable facts pertaining to employment and determine whether the former tenured employee is eligible for rehire. If eligible, the application will be considered along with all other external applicants and evaluated based upon relevant job qualifications.

Former employees who are "disqualified" from rehire based upon *Rule 2: County Employment, Regulation 1: Selection Process, Section 5 Candidate Disqualification* will not be deemed eligible to be qualified for any position.

Former tenured employees who are on inactive status due to layoff will have first consideration over other candidates. For further information pertaining to the Recall List, refer to *Rule 2: County Employment, Regulation 2: Employment Lists*.

Having prior service with the County is not a determining factor in making a rehire decision. However, prior service may be considered relevant by the appointing authority for reasons related to the performance of job duties in comparison to other applicants.

NOTE: Tenured employees who officially retire and receive compensation for Sick Leave shall not be credited with any accrued sick leave if they return to employment at a future date. Additionally, retirees must adhere to the rehiring guidelines established by the Nebraska Public Employees Retirement System regardless if they are re-instated or re-employed.



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RULE 2: <i>County Employment</i>	APPROVED: REVISED:
REGULATION 5: <i>Job Offers, Employment Conditions, and Re-employment</i>	Pages: 4 of 4

- A. Re-instatement of Employment - The following provisions shall apply to former tenured employees who are deemed eligible and re-instated within 30 calendar days or less from their date of separation:
1. Not required to serve a probationary period if rehired to the same job and department from which they separated. If they are rehired into another department, the appointing authority will determine the length of probation not to exceed the standard Introductory Probationary Period associated with the job,
 2. Shall have their original date of employment re-established,
 3. If rehired by the same department, the original date of employment shall be their position date. If rehired by another department, the date of entry into the new department shall be their position date,
 4. Shall receive the pay rate comparable to the pay rate upon departure if rehired to the same job or to a job assigned the same grade,
 5. If rehired to a position whose maximum pay rate is lower than the job from which the employee separated, the employee shall be paid at the pay grade step that is closest to, but not higher than, the pay rate upon separation,
 6. Shall be credited with the accrual amounts for Sick and Vacation Leave and/or compensatory time as of their date of separation, so long as said accruals have not been paid out.
- B. Re-employment – This applies to former employees who have been separated from employment for more than 30 calendar days. Re-employed employees shall begin employment as a new employee. Refer to *Rule 11: Compensation, Regulation 1: Compensation Administration* for information regarding compensation treatment.



PERSONNEL RULES AND REGULATIONS

RULE 3: <i>Types of Appointments</i>	APPROVED: REVISED:
REGULATION 1: <i>Classified Appointment</i>	Pages: 1 of 1

Section 1: Introduction

All vacancies in the classified service shall be filled by appointment. Appointments are authorized under the County Civil Service Act. Classified appointments shall be filled in accordance with *Rule 2: County Employment*.

Any person accepting a classified appointment shall serve a probation period as outlined in *Rule 5: Probationary Periods, Regulation 1: Introductory Probationary Period*.

Employees serving their Introductory Probationary Period will earn seniority from their date of employment but may not exercise seniority rights until satisfactory completion of the introductory probationary period.

Section 2: Full-Time and Part-Time Classified Appointments

Operating an organization requires the use of various types of employees. Sarpy County utilizes both full-time and part-time employees to meet the business needs of its citizens as well as the general public. Part-time employment allows the County flexibility in meeting its business needs.

- A. **Full-Time Classified:** Employees who are regularly scheduled to work 40 hours in a workweek, excluding overtime hours.
- B. **Part-Time Classified:** Employees who are regularly scheduled to work less than 40 hours in a workweek, excluding overtime hours.

Unless otherwise required by law, statute, or collective bargaining agreement, employees hired under a classified appointment must work 30 hours per week on average or more to achieve eligibility for insurance benefits, flexible spending accounts, and to participate in the employee assistance program. Refer to the applicable Human Resources Policy Bulletin regarding Benefits for further information.

Unless otherwise required by law, statute, or collective bargaining agreement, this Regulation provides for that Part-time Classified appointees accrue leave benefits (e.g. vacation and sick) on a basis proportional to that of the Full-Time Classified. Refer to *Rule 12: Types of Leave* for further information.



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RULE 3: <i>Types of Appointments</i>	APPROVED: REVISED:
REGULATION 2: <i>Temporary, Seasonal, Emergency, and Provisional</i>	Pages: 1 of 2

Section 1: Introduction

There may be instances where a department is in need of staffing that is short-term in nature. The following sections provide guidance as to the type of short-term staffing permitted under the PRR.

Individuals serving a short-term appointment are not entitled to any of the benefits of classified service and are not covered by the PRR unless specifically stated. Individuals serving in one of these appointments may be dismissed by the appointing authority without recourse of any kind.

Section 2: Temporary

An appointment for temporary employment may be made as is necessary to carry on the County's business. The Human Resources Director may authorize the Temporary Appointment of any qualified individual to be designated by the appointing authority.

The length of a Temporary Appointment shall not exceed 12 consecutive months. At or prior to the end of the 12-month temporary employment period, one of the following must occur:

- Temporary Appointment ceases, or
- Job is posted as Classified Appointment in accordance with *Rule 2: County Employment*.

The acceptance or refusal of a Temporary Appointment by an individual on an eligible list shall not affect their standing on any other eligible list. In the event that a temporary employee accepts a Classified Appointment, the effective date of such appointment shall constitute the employee's date of employment in the classified service and shall not be retroactive to the Temporary Appointment.

Section 3: Seasonal

Individuals may be appointed to a job which, although temporary in nature, coincides with a particular season or seasons of the year and may recur from year to year. Names of those individuals appointed to seasonal jobs may be placed on a Seasonal List to be considered for the following season.



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Section 4: Emergency

In the event that emergency appointment is necessitated by unanticipated business needs, the appointing authority may offer Emergency Appointment to an individual who is not on an eligible list and may or may not have completed the Selection Process. However, this Emergency Appointment must receive advance approval from the Human Resources Director and will not extend beyond 30 calendar days.

Section 5: Provisional

An appointment for provisional employment may be made as is necessary to carry on the County's business. Provisional Appointments will contain specific start and end dates. The Human Resources Director may authorize the Provisional Appointment of any qualified individual to be designated by the appointing authority and does not require competitive examination. However, no such Provisional Appointment shall continue longer than six (6) months nor shall successive Provisional Appointments be allowed.



PERSONNEL RULES AND REGULATIONS

RULE 4: <i>Promotions, Transfers, Demotions, and Detail Assignments</i>	APPROVED: REVISED:
REGULATION 1: <i>Promotions</i>	Pages: 1 of 2

Section 1: Introduction

Promotions shall give appropriate consideration to examinations and record of performance, seniority, and conduct. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service, and preference may be given to employees within the department in which the vacancy occurs. (Nebraska Revised Statute 23-2525[4])

A promotion is the filling of a vacancy by the advancement of an employee from a job in a lower grade/class to a job in a higher grade/class. An employee may be promoted to a job within their department or to a job in another department. Promotions shall be by competitive examination and will be in accordance with the Rules and Regulations.

Section 2: Provisions

Employees must meet the following criteria to be considered for promotion:

- A. Must have completed their Introductory Probationary Period on or before the job posting deadline,
- B. Must meet the minimum qualifications of the job posting,
- C. Must have a recent performance evaluation rating of "satisfactory" or higher within the most recent 12 months except if the applying employee works in the Department with the job posting, and
- D. May not have been suspended within 12 months prior to the date the job posting closes.
- E. Employees who received a non-voluntary demotion within the last 24 months are ineligible.

Promoted employees will serve a Promotional Trial Period Probation, per *Rule 5, Regulation 2: Trial Period Probations*.

An Introductory Probationary Period employee may apply as an external candidate at the time the job is posted externally.

NOTE: If an employee's attendance will be reviewed as part of their performance and suitability for promotion, only documented instances of attendance issues can be used for exclusionary reasons to deny a promotion.



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RULE 4: <i>Promotions, Transfers, Demotions, and Detail Assignments</i>	APPROVED: REVISED:
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Section 3: Procedures

Vacancies will be posted as outlined in *Rule 2: County Employment, Regulation 1: Selection Process*.

A promoted employee's pay rate will be calculated as follows:

- A. Current pay rate will be increased by five percent (5%),
- B. Next, this newly calculated rate will be compared to the promotional grade and adjusted to the closest step that ensures a 5% promotional increase, and
- C. The position date will be adjusted to the promotion's effective date.

In those instances where vacancies are filled by employees accepting a job in a different department, the Department Head shall release employees from their current job within a reasonable period not to exceed 30 calendar days. Employees accepting a job in another County department shall give their current department no less than 14 calendar days' notice of their acceptance of the new job, unless all parties mutually agreed to a period of less notice.

The appointing authority will complete and submit to the Human Resources Department an *Employee Action Form* reflecting all changes in status.



PERSONNEL RULES AND REGULATIONS

RULE 4: <i>Promotions, Transfers, Demotions, and Detail Assignments</i>	APPROVED: REVISED:
REGULATION 2: <i>Transfers</i>	Pages: 1 of 2

Section 1: Introduction

A transfer is the filling of a job posting by moving employees from one job to another which does not involve a change in class. A transfer may occur by moving to a job within the same department or to a job in another department.

Section 2: Provisions

Vacancies will be posted as outlined in *Rule 2: County Employment, Regulation 1: Selection Process*. As stipulated, an appointing authority may transfer employees from one job to another of the same job title within the department.

In all other situations, employees may apply for a transfer via an internal job posting. Employees choosing to apply for a job in their department will be considered along with other County applicants. However, they will receive preference points for being a current employee of their department.

Employees must meet the following criteria to be eligible for transfer:

- A. Complete the Introductory Probationary Period on or before the closing date of the job posting unless part-time or vacancy is in their own department,
- B. Meet the minimum qualifications as stated in the job posting,
- C. Receive a rating of "satisfactory" or higher on their most recent performance evaluation (within the prior 12 months) unless the vacancy is in their department and,
- D. No suspensions within 12 months prior to the closing date of the posting.
- E. Employees who received a non-voluntary demotion within the last 24 months are ineligible.

NOTE: If attendance will be considered in the determination of suitability for transfer, only documented instances of attendance will be used for exclusionary reasons.

Employees who accept a transfer shall serve a Transfer Trial Period Probation in accordance with *Rule 5: Probationary Periods, Regulation 2: Trial Period Probations*.



PERSONNEL RULES AND REGULATIONS

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Section 3: Procedures

- A. Employee's pay rate will remain unchanged as a result of the transfer or changed to the closest grade and step if transfer involves movement from one salary schedule to another (i.e., non-union to union or collective bargaining unit to collective bargaining unit),
- B. The date for future wage increase and performance evaluation will remain unchanged, and
- C. Appointing authority will complete and submit an Employee Action Form to the Human Resources Department reflecting any applicable status changes, such as job title, department, etc.

In those instances where vacancies are filled by employees accepting a job in a different department, the Department Head shall release employees from their current job within a reasonable period not to exceed 30 calendar days. Employees accepting a job in another County department shall give their current department no less than 14 calendar days' notice of their intent to vacate their job unless all parties mutually agree to a period of less notice.



PERSONNEL RULES AND REGULATIONS

RULE 4: <i>Promotions, Transfers, Demotions, and Detail Assignments</i>	APPROVED: REVISED:
REGULATION 3: <i>Demotions</i>	Pages: 1 of 2

Section 1: Introduction

There are instances when tenured employees may voluntarily or involuntarily receive a demotion. To further clarify, a demotion occurs when a tenured employee is reassigned to a job with a lower grade as compared to the former job.

Section 2: Provisions

The list includes, but is not limited to, reasons why demotions may occur:

- A. Employees assigned to a job performing essential functions of significantly decreased complexity or responsibility,
- B. Employees unable to perform satisfactorily may be demoted to a job better suited to their qualifications and/or abilities,
- C. Employee's request for demotion is approved,
- D. As a result of a reorganization, eligible and qualified employees may accept a demotion to continue employment, or
- E. As a result of disciplinary action.

Section 3: Procedures

The following steps shall be followed by a Department Head proceeding with a demotion:

- A. A written letter from requesting employees indicating a desire to voluntarily demote.
- B. Demotions require the approval of the Human Resources Director prior to any communication with employees except if demotion is their request.
- C. If the demotion is due to disciplinary action, documentation supporting the discipline shall be submitted to the Human Resources Director prior to initiating the Loudermill processes.
- D. The Department Head will complete and submit to the Human Resources Department within one (1) business day an Employee Action Form reflecting the specifics of the demotion.

If the demotion occurs as a result of disciplinary action, the pay rate should be decreased to the respective grade and step closest to employees' current pay rate. If the demotion is a voluntary request, the pay rate should be decreased to no more than



PERSONNEL RULES AND REGULATIONS

RULE 4: <i>Promotions, Transfers, Demotions, and Detail Assignments</i>	APPROVED: REVISED:
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the maximum of the new salary range. A demotion cannot result in an increase in pay rate.

If the demotion occurs as a result of reorganization and not due to performance and the employee's pay rate is above the maximum of the demoted grade, then the pay rate should be "red circled" until the maximum of the salary range equals or exceeds the "red circled" pay rate.



PERSONNEL RULES AND REGULATIONS

RULE 4: <i>Promotions, Transfers, Demotions, and Detail Assignments</i>	APPROVED: REVISED:
REGULATION 4: <i>Detail Assignments</i>	Pages: 1 of 1

Section 1: Introduction

There are instances where employees' services are temporarily needed to perform a segment of a job or a particular task separate from their current job. This Regulation provides guidance in the determination and treatment of employees for Detail Assignments.

Section 2: Provisions

Employees (except those serving temporary, emergency, provisional, or seasonal appointments) may be appointed by their Department Head to a Detail Assignment not to exceed six (6) calendar months. The Human Resources Director must approve any extensions of Detail Assignments.

Employees have the right to decline a Detail Assignment; however, if in the event no employee agrees to accept the assignment, then the Department Head shall have the right to designate the qualified employee with the least seniority for the Detail Assignment.

If the Detail Assignment does not meet the definition of Out-of-class but is inherently an essential function of a job with a higher grade, please refer to *Rule 11: Compensation Plan, Regulation 1: Administration* for compensation details.

Section 3: Procedures

The following steps shall be followed by the Department Head when designating a Detail Assignment:

- A. Inform the Human Resources Director of the Detail Assignment, anticipated length of assignment, employee assigned, and whether this was a voluntary assignment,
- B. Complete and submit to the Human Resources Department an Employee Action Form indicating effective date, adjusted compensation, and reason for Detail Assignment, and
- C. When assignment expires, complete and submit to the Human Resources Department an Employee Action Form indicating the expiration of the Detail Assignment.



PERSONNEL RULES AND REGULATIONS

RULE 5: <i>Probationary Periods</i>	APPROVED: REVISED:
REGULATION 1: <i>Introductory Probationary Period</i>	Pages: 1 of 3

Section 1: Introduction

The Introductory Probationary Period is an essential continuation of the examination process initiated during the Selection Process and shall be utilized for effective evaluation of newly hired and re-employed employees. It shall also serve as the basis for dismissal for those employees whose performance or conduct does not meet acceptable standards.

An introductory probationary employee may be separated at any time during this probationary period for any non-discriminatory reason, and they are not afforded the same rights, benefits, and privileges afforded to tenured employees.

Section 2: Provisions

Employees shall be required to serve an Introductory Probationary Period of not more than 12 months. The Introductory Probationary Period will be established by the appointing authority for each job within their department.

At the request of the appointing authority and with approval of the Human Resources Director, the Introductory Probationary Period may be extended; however, in no case shall it be extended beyond 12 months from the date of employment. Therefore, if the Introductory Probationary Period is established at 12 months, an extension of this probationary period shall not be permitted.

Employees who successfully complete their Introductory Probationary Period shall be deemed to be tenured employees with all the rights and privileges of the classified service.

Section 3: Procedures

- A. Appointing authorities will conduct a department orientation providing new employees with a clear understanding of how the job is to be performed as well as communicating any standards for performance including monitoring of work performance and specifics regarding ongoing feedback.
- B. Employees shall not be eligible to post for jobs outside of their department during their Introductory Probationary Period with the exception of employees who are permitted to apply for transfers in their current department.



PERSONNEL RULES AND REGULATIONS

RULE 5: <i>Probationary Periods</i>	APPROVED: REVISED:
REGULATION 1: <i>Introductory Probationary Period</i>	Pages: 2 of 3

- C. Documentation of introductory employees' progress during the probationary period, such as supervisory notes and/or progress reports, shall be kept in a confidential department file. In such instances whereby employment is terminated, this documentation shall be forwarded to the Human Resources Department for potential inclusion in the employee's civil service personnel file.
- D. During the Introductory Probationary Period, disciplinary actions shall not be utilized. This is an examination period; as such it is not appropriate to use disciplinary measures to correct performance issues.
- E. Appointing authorities shall determine whether performance is satisfactory prior to the expiration of the Introductory Probationary Period. The following factors shall be taken into consideration:
 - Ability to learn and perform job duties effectively and efficiently,
 - Quality of work,
 - Productivity,
 - Work habits,
 - Professionalism,
 - Communication skills and abilities,
 - Cooperation,
 - Attendance,
 - Punctuality, and
 - Other communicated standards and expectations specific to the job.
- F. Pursuant to Nebraska Revised Statute §23-2525[7], the appointing authority shall inform the Human Resources Director in writing that the services of the employee have been unsatisfactory within 10 calendar days prior to the expiration of the Introductory Probationary Period.
- G. Upon successful completion of the Introductory Probationary Period, employees shall receive a completed evaluation reflecting their performance over the entire period. This performance evaluation shall become part of their official civil service personnel file.

Section 4: Extensions

If the appointing authority desires to extend the Introductory Probationary Period, documentation must be provided to the Human Resources Director regarding:

- Performance/conduct deficiencies,



PERSONNEL RULES AND REGULATIONS

RULE 5: <i>Probationary Periods</i>	APPROVED: REVISED:
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- Expected level of performance/behavior,
- Efforts taken to-date to achieve improvement, and
- Time period for which the probation should be extended.

Upon review of all documentation, the Human Resources Director shall advise the appointing authority of the approval or denial of the extension request. Extension of the probation period can only occur once and for a period not to exceed the original Introductory Probationary Period.

NOTE: Introductory Probationary Periods must be extended when employees are on any job-protected leave with or without pay, including Workers' Compensation, Family Medical Leave, American with Disabilities Leave, or Military Leave regardless of whether these leaves are compensated.

Section 5: Separation of Employment

When an Introductory Probationary Period has not been successfully completed, the appointing authority, upon consultation with the Human Resources Director, will prepare a written notification as to the date and reason(s) for separation. This written notification shall be provided to employees at the time of separation.

The appointing official will complete and submit to the Human Resources Department an Employee Action Form, along with a copy of the executed written notification which will be placed in the employee's civil service personnel file.

Introductory Probationary employees are not eligible for recall or rehire rights.



PERSONNEL RULES AND REGULATIONS

RULE 5: <i>Probationary Periods</i>	APPROVED: REVISED:
REGULATION 2: <i>Trial Period Probations</i>	Pages: 1 of 2

Section 1: Introduction

Tenured employees may serve additional probationary periods for reasons of promotion, transfer, reassignment, or performance/conduct deficiencies.

This Regulation describes these types of probations and how they are applied.

Satisfactory completion of any probationary period entitles employees to certain rights as set forth in these Personnel Rules and Regulations; however, it does not guarantee continued or permanent employment.

Section 2: Types

A. Promotional Trial Period Probation

Employees who have accepted a promotion have 45 calendar days in which to demonstrate they possess the requisite knowledge, skills, and abilities to perform the duties of the job.

If employees fail to satisfactorily perform the duties of the new position during the promotional trial period, as determined by their Department Head, they shall be returned to a position comparable to that held immediately prior to the promotion at the current salary of such promotion (Nebraska Revised Statute §23-2525[8]. In this circumstance, employees will be returned to their pre-promotional status.

The pay rate will be adjusted to the step and pay grade occupied as if not promoted, including any step increase that would have occurred since the date of the promotion. However, no retroactive pay for any step increase that would have occurred during the Promotional Trial Period Probation shall be paid, as an increase in pay was already received as a result of the promotion.

B. Transfer Trial Period Probation

Employees who have applied for and have transferred have 45 calendar days in which to demonstrate they possess the requisite knowledge, skills, and abilities to perform the duties of the job.

If they fail to successfully complete the Transfer Trial Period Probation, they may request of the applicable Department Head to return to their original position. Otherwise, employees, with approval of the appointing authority and the Human



PERSONNEL RULES AND REGULATIONS

RULE 5: <i>Probationary Periods</i>	APPROVED: REVISED:
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Resources Director, may apply for current job postings. If there are no current job postings, employment may be terminated.

C. Disciplinary Probation Period

Employees may be placed on probation for a designated period of time, not to exceed 90 calendar days, for significant performance/conduct deficiencies that are within their ability to correct, as determined by the Department Head. The use of a Disciplinary Probation Period requires consultation with the Human Resources Director.

The following criteria apply to Disciplinary Probation Periods:

1. The Department Head will provide documentation pertaining to the specific performance/conduct deficiencies to the Human Resources Director prior to implementing,
2. In those cases involving performance deficiencies, the Department Head shall create a performance improvement plan (PIP),
3. Employees shall receive and sign a copy of the PIP and a copy will be sent to the Human Resources Department to be placed in the employee's civil service personnel file,
4. Employee performance/conduct during this probation will be scrutinized closely,
5. While on probation, employees will not be eligible to apply for posted jobs, and
6. Employees will not be eligible for pay increases during the probationary period. Upon successful completion of the probationary period, employees would receive their pay increase if it was due during the probationary period; however, no retroactive pay will be processed. Any annual pay adjustments awarded by Board Resolution outside of those associated with performance or conduct will be processed in accordance with those pay types. Future dates for pay increases remain unchanged.

During a Disciplinary Probation Period, the Department Head may determine that additional discipline is warranted based on performance/conduct exhibited during the probation. This additional discipline can occur at any point and will interrupt the Disciplinary Probation Period.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 1: <i>Nepotism</i>	Pages: 1 of 2

Section 1: Introduction

It is the goal of the County that all hiring and advancement opportunities are made on the basis of merit. Thus, it is inappropriate for individuals to be hired or promoted just because of being an immediate family member with another County employee. It is similarly contrary to County practices to bar from employment someone with meritorious qualities simply because of being an immediate family member of the individual who happens to be an employee unless said employment causes a supervisory/subordinate relationship.

Section 2: Definitions

Immediate Family member means:

- Spouse,
- Parent (by blood, adoption or marriage);
- Child (by blood, adoption or marriage);
- Sibling (by blood, adoption or marriage);
- In-Laws pertaining to the above members;
- Individuals who reside in the same household; or
- An individual claimed by the employee or the employee's spouse as a dependent for federal income tax purposes.

Supervisory/Subordinate Relationship means any individual within the chain of command. For example, an immediate family member of a Department Head cannot be employed within the department even if it is in another division of the department. However, within the same department, an immediate family member of the Division "A" manager would be allowed to work for the Division "B" manager.

Section 3: Provisions

If an immediate family member relationship exists prior to the approval of this Regulation, these relationships will be grandfathered. However, all future appointments (i.e. promotion, transfer, voluntary demotion) shall be subject to this Regulation.

Employees who become immediate family members during the course of their employment may continue employment as long as it does not create a supervisory/subordinate relationship. If a violation of this Regulation occurs, employees will have the options to resolve the conflict:



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- Decline the appointment causing the violation,
- Transfer to a vacancy (for which the employee is qualified) in another department within six (6) months, or
- Voluntarily demote to a vacant position removing the supervisory/subordinate relationship.

If the above options are not possible, one employee will voluntarily resign.

Employees are to disclose to their Department Head any changes in their immediate family which conflict with this Regulation. Internal and external candidates are required to disclose, at the time of application, if the job for which they are applying reports to or supervises immediate family.

Any violations of this Regulation may be subject to discipline, up to and including termination.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 2: <i>Conflict of Interest</i>	Pages: 1 of 3

Section 1: Introduction

All employees are expected to conduct their activities in such a way as to avoid improper influence on the County's business decisions or from disclosure or private use of information regarding the County's business affairs or plans. The purpose of this Regulation is to protect the interests of the County and to provide guidelines for handling perceived, potential, or actual conflicts of interest.

Jobs in the classified service by their very nature place employees in a position of public trust. As a result, employees are responsible for ensuring that public resources are used in the public's best interest. Employees also have a duty to use the County's limited resources as effectively and efficiently as possible. Consequently, the interests of the County must come before an employee's own interests. In fact, employees' actions must be above reproach.

Conflicts of interest may arise when the personal or professional interests of an employee are potentially at odds with the best interests of the County. A conflict of interest may apply in a variety of situations. Refer to Section 4 of this Regulation for examples.

Section 2: Course of Action

Employees who may be involved in any matter that could result in a conflict of interest shall inform their Department Head of the conflict in writing including a description of the matter and the nature of the conflict.

If employees are uncertain whether the matter is a conflict of interest, they can consult with their Department Head or seek an advisory opinion from the Human Resources Director. The Human Resources Director may protect the identity of the person requesting an advisory opinion, or persons mentioned, unless a violation has occurred.

Section 3: Violating Conflict of Interest

Employees found to be violating this Regulation may be disciplined, up to and including immediate termination. In addition, the County may choose to commence criminal and/or civil proceedings, as may be warranted. The fact that employees do not know or recognize they are in violation of this Regulation does not absolve them of disciplinary action.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 2: <i>Conflict of Interest</i>	Pages: 2 of 3

Section 4: Conflict of Interest Examples

The following list contains a few examples but is not fully inclusive:

- A. Acceptance of Money, Gifts and/or Prizes: Employees may not accept money or anything of value (vendor samples, event tickets, trips, lunches, favors, etc.) from a single party/entity if the reward could reasonably be expected to influence employee actions or could be viewed as a reward for any action or inaction. Any prize that is raffled or drawn by chance may be accepted if approved by the Department Head. Otherwise, all prizes are property of the County.
- B. Awarding Contracts: Employees, their families, or organizations in which they have a financial interest may not enter into contracts or leases derived from the County's funding. An exception may be granted if employees disclose the potential conflict to their Department Head and the applicable authority approves the contract.
- C. Conducting Personal Business during Working Hours: Employees are typically prohibited from conducting personal business during hours in which they are scheduled to work. Employees may utilize paid leave, lunch, or break periods as well as time before or after work hours to conduct personal business including such items as paying of taxes, registering a vehicle, obtaining a marriage licenses, etc.
- D. Professional Services: Employees are not allowed to profit from providing professional services while conducting County-related business. Therefore, employees who have been asked to lecture, conduct a presentation, or provide other professional services while in attendance at a conference approved by their Department Head may not accept fees, honoraria, or personal reimbursement for expenses. However, employees may accept the "waiver" of conferences fees and other associated expenses for providing professional services if approved by their Department Head.
- E. Promise of Future Employment: Employees may not solicit or receive a promise of future employment with the understanding the promise of employment will influence their action or inaction.
- F. Secondary Employment: Employees may be entitled to engage in outside employment provided that the duties of the outside employment do not constitute a conflict of interest or conflict with their job performance with the County. Employees desiring to engage in outside compensable work shall submit a Secondary Employment Request Form to their Department Head who will review and deny when a conflict exists. The Department Head will note the reason for denial on the request form and provide a copy of the form to the employee. During the secondary employment should a conflict arise, employees will be notified in writing and



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provided up to seven (7) calendar days, except in an emergency situation, to resolve the conflict in favor of County employment.

- G. Solicitation/Sales Activities: Employees may not solicit/sell subscriptions, books, Girl Scout cookies, merchandise, or other items/services; or collect or receive money or any item of value for any reason during working hours. Information such as gift catalogs and order forms are to be kept in employee break rooms and away from employee work areas. Employees may utilize lunch, breaks, or time before or after work to review catalogs, place orders, and/or conduct personal business. Refer to *Rule 6: General Terms and Conditions, Regulation 5: Electronic Communications*.
- H. Use of County Property: Employees may not use County property to gain financial or other benefits, advantages, or privileges for themselves, their families, or organizations in which they have any interest.
- I. Use of Information: Employees shall not engage in financial transactions using non-public governmental information or disclose/allow the improper use of such information to further any private interest.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 3: <i>Code of Ethics</i>	Pages: 1 of 1

Section 1: Introduction

Employees should conduct themselves ethically, honestly, and with integrity in all dealings. They need to be fair and principled in their interactions and to act in good faith with others both within and outside the County.

They should act with due recognition of their position of trust and loyalty with respect to the County and its citizens, fellow employees, vendors, and the general public. When in doubt about the propriety of a proposed course of action, employees should seek counsel from their Department Head who shall assist in determining the right and appropriate course of conduct.

Section 2: Code of Conduct Expectations

Employees are expected to:

- A. Practice honesty,
- B. Maintain a professional demeanor,
- C. Respect the dignity and well-being of others,
- D. Comply with applicable governmental laws, rules, and regulations,
- E. Respect and safeguard the rights and properties of others as well as the County's,
- F. Prohibit discrimination while respecting the differences in people,
- G. Practice personal and professional integrity,
- H. Respect and protect the County's confidential and/or privileged information,
- I. Perform work in the best interest of the County, and
- J. Promptly report, internally, any code violations to their Department Head or the Human Resources Director.

Section 3: Violating the Code of Ethics

Employees found to be violating this Regulation shall be subject to disciplinary action, up to and including termination.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 4: <i>Whistleblower Activities</i>	Pages: 1 of 2

Section 1: Introduction

Employees who become aware of alleged wrongful conduct are strongly encouraged to make a disclosure to their Department Head or the Human Resources Director as soon as possible.

To prohibit adverse action being taken against employees as a result of their good faith disclosure of alleged wrongful conduct, employees who disclose and subsequently suffer adverse personnel action as a result are subject to the protection of this Regulation.

Section 2: Alleged Wrongful Conduct

No adverse personnel action may be taken against employees in known retaliation for any lawful disclosure of information on a matter which they, in good faith, believe evidences the following, which collectively refers to an alleged wrongful conduct.

- A. A violation of any law,
- B. A misappropriation of County resources,
- C. An abuse of authority, or
- D. A violation of these Rules and Regulations.

Adverse personnel action is an employment-related act or decision by a Department Head, supervisor, or individual holding authority to complete such personnel action which negatively affects employees.

Section 3: Making a Disclosure

Employees must make the disclosure no later than 365 calendar days after becoming aware and/or have suspicions of the alleged wrongful conduct in order to allow the Department Head or the Human Resources Director an opportunity to review the alleged wrongful conduct and to take the necessary corrective action. Employees will complete the Whistleblower Activities Form and submit it to their Department Head or the Human Resources Director as soon as possible. The receipt of the form shall serve as authorization for an investigation to be conducted. The Whistleblower Activities Form is available online or in the Human Resources Department.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
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Section 4: False Allegations of Wrongful Conduct

Employees who knowingly make false allegations of alleged wrongful conduct to their Department Head or the Human Resources Director will be disciplined, up to and including termination.

Section 5: Legitimate Employment Action

This Regulation may not be used as a defense by employees against whom an adverse personnel action has been taken for legitimate reasons or cause. It will not be a violation to take adverse personnel action against employees whose conduct or performance warrants that action separate and apart from making a disclosure of alleged wrongful conduct.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 5: <i>Electronic Communications</i>	Pages: 1 of 4

Section 1: Introduction

In order to remain competitive and to better serve the taxpayers and general public, Sarpy County continues to adopt and make use of communication and information exchange. Many employees have access to one or more forms of electronic media and services including, but not limited to, computers, tablets, email, phones, cell phones, voicemail, fax, online services, and the Internet.

Sарy County encourages the use of these media and associated services because they can make communication more efficient and effective. Employees and everyone connected with the County should remember that electronic media and services provided by the County are County property and their purpose is to facilitate and support County business.

This Regulation cannot address every possible situation. Instead, it serves as general guidelines employees should apply when using electronic media and services.

Both the public and employees can access the public WIFI (a wireless local area network) in certain areas of the County campus. Access to the public WIFI is voluntary and at the user's own risk. The County's Corporate Network is accessed by permission only, and is subject to this Regulation.

The following applies to all electronic media and services that are:

- Accessed on the County's Corporate Network;
- Accessed using County equipment or via County-provided remote access methods (VPN, sync technology, etc.); or
- Used in a manner that identifies the individual with the County.

Section 2: Internet Access

Authorized users of Sarpy County Internet Resources must have the following:

- A. Department Head's approval to use Internet Resources, and
- B. An assigned account (username) by the Information Systems Department.

The appropriate use of Internet Resources will be limited to authorized employees for conducting County business or business-related activities. It is inappropriate to design or allow access to any unauthorized webpages or FTP (File Transfer Protocol) sites or allow access to County Systems to exchange files or information.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 5: <i>Electronic Communications</i>	Pages: 2 of 4

Internet access is monitored periodically to determine bandwidth needs and utilization. This monitoring also indicates links and other information pertaining to Internet Resources used by employees. Employees are responsible for any and all activity initiated by their email ID, user account, or personal workstation.

All Internet Resources activity initiated directly or indirectly from Sarpy County's system can be monitored and traced. Any complaints of email or bulletin board postings by employees may result in immediate termination of their Internet User account until further investigation is completed.

Section 3: Prohibited Communications

Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:

- A. Discriminatory or harassing,
- B. Derogatory to any individual or group,
- C. Obscene or pornographic,
- D. Defamatory or threatening, or
- E. For any purpose that is illegal or contrary to County policy or interests.

Section 4: Personal Use

Electronic media and services are provided by the County in order to assist employees in the performance of their job duties. Using any form of electronic media or service (sending or receiving) for personal gain, personal business, fundraising, or for mass mailings is not allowed. No political and/or campaign related material is permitted, in accordance with Political Activity Regulation (refer to *Rule 6: General Terms and Conditions, Regulation 8: Political Activity*). Employees are expected to demonstrate a sense of responsibility and not abuse the County's Internet or email or the privileges provided under this Regulation.

Section 5: Access to Employee Communications

Electronic information created and/or communicated by employees accessing the County Corporate Network or County property using email, computers, tablets, cell phones, word processing, spreadsheets, voicemail, phones, Internet, and other similar electronic media is monitored by the County. This information may also be subject to



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RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
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the Public Information Act or other similar laws. The County may routinely access or monitor employee communications directly including, but not limited to, current and archival files.

Employees should assume their electronic communications are not private. Email messages and files, like other types of correspondence and employer documents, can be accessed and read by authorized individuals. The County reserves the right at its discretion to review any employees' electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, the PRR, and other County policies. Accordingly, if employees have sensitive information to transmit, they should use a means other than the Corporate Network.

Section 6: Security / Appropriate Use

Employees must respect the confidentiality of others' electronic communications. However, Department Heads will have access to County computers and related equipment as well as software, email accounts, Internet activity, and other related items to ensure business needs are met. Except in cases in which explicit authorization has been granted, employees are prohibited from engaging in or attempting to engage in:

- A. Monitoring or intercepting files or electronic communications of others including third parties,
- B. Hacking or obtaining access to systems or accounts they are not authorized to use,
- C. Using others' log-ins or passwords, and
- D. Breaching, testing, or monitoring computer or network security measures.

No email or other electronic communications can be sent that attempts to hide the identity of the sender or represent the sender as someone else.

Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of others' access and use the system. Intentional misuse of computer resources including, but not limited to, wasting bandwidth, disk space, and printer paper and running/installing unauthorized software is prohibited. All freeware, shareware, and downloadable applications or files must be scanned for viruses using authorized procedures and software. Employees must never open, execute, or run unsolicited email attachments. If employees are unsure about downloading or opening unsolicited email, they should contact the Information Systems Department prior to doing so.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 5: <i>Electronic Communications</i>	Pages: 4 of 4

Anyone obtaining electronic access to other organization's materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

Section 7: Encryption Software

Employees cannot use encryption software without approval from the Information Systems Department. Employees with a need to encrypt messages should submit a written request to the Department Head and Information Systems Department, who will determine approval and ensure all departmental policies are followed.

Section 8: Policy Violations

Employees who abuse the privilege of County facilitated access to electronic media or services are subject to disciplinary action, up to and including termination.

Employees who utilize the email system for defamatory, illegal, or fraudulent purposes as well as break into unauthorized areas of the County's computer system are also subject to civil liability and criminal prosecution.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 6: <i>Social Media Usage</i>	Pages: 1 of 6

Section 1: Introduction

Social networking through the use of internet-based and other electronic social media tools is integrated into everyday life. The use of social media can be a fun and rewarding way for employees to share their life and opinions with family, friends, and coworkers. Use of Facebook, LinkedIn, blogging, wikis, and other online social media vehicles are commonplace. What employees do on their own time is a personal decision; however, activities in or outside of work that affect job performance, the performance of others, or County business interests or reputation are of concern.

The purpose of this Regulation is to provide employees with guidelines and requirements to eliminate any confusion regarding the use of social media. Social media sites include Sarpy County's hosted internet site(s) or affinity sites as well as participation in Non-Sarpy County social media sites(s) in which employees' affiliation with Sarpy County is known, identified, or presumed.

Social media may be used by employees for business-related purposes subject to the approval of their Department Head and the Information Systems (IS) Department. The restrictions are intended to ensure compliance with legal and regulatory restrictions, privacy, confidentiality, and ensure County electronic property remains secure. Social media includes, but is not limited to, social networks such as Facebook; blogs like WordPress; microblogs such as Twitter; wikis for example Wikipedia; video such as YouTube; podcasts; discussion forums; RSS feeds; photo sharing, like Flickr; etc.

Section 2: Definitions

The following definitions are meant to provide clarity to the terms used within this section of the Regulation:

Blog/Microblog: This is an abbreviation for "web log", and it is a site that allows an individual or group of individuals to share a running log of events and personal insights with online audiences.

Electronic Media: These are non-computing devices, such as CDs, DVDs, flash drives, hard disks, internal memory, and any other interchangeable, reusable, and/or portable electronic storage media (1) on which electronic information is stored, or (2) which are used to move data among computing systems/devices.

Sarpy County Information: Information in any form or media that is created by or on behalf of the County in the course and scope of business, regardless of whether that



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information is maintained or stored by Sarpy County and others on the County's behalf. Examples of County information include, but are not limited to, criminal investigations; inmate information; youth detainee information; court records; tax records; property records; intellectual property; financial information; human resource records; and business email messages; unless the record is deemed public information.

Podcast: A collection of digital media files distributed over the Internet for playback on portable media players and computers.

Protected Health Information (PHI): This data is individually identifiable health information (verbal, written, or electronic) about an inmate, detainee, employee's physical or mental health, the receipt of health care, or payment for that health care. PHI includes individually identifiable payments, enrollment, and disenrollment benefit information.

Social Media: This description covers a wide array of electronic communication methods including, but not limited to, blogs, microblogs, podcasts, discussion forums, online collaborative information and publishing systems that are accessible to internal and external audiences, wikis, photo and video sharing, and collaborative websites. This term also includes social network sites such as Facebook.

Wikis: Allows users to create, edit, and link webpages easily; often used to create collaborative websites.

Section 3: Provisions

The following requirements are applicable to both Sarpy County and Non-Sarpy County Hosted Sites:

- A. This Regulation applies to employees using social media while at work. It also applies to the use of social media when away from work, when employees' affiliation with Sarpy County is identified, known, or presumed. It does not apply to content that is otherwise unrelated to the County.
- B. Email Addresses – when conversing on a social media site, do not use an assigned County email address, instead use a personal email address.
- C. Social Media Disclaimer – employees are strongly advised to make it clear that what they say is representative of their own views and opinions and not necessarily the views and opinions of the County. At a minimum, they should include one of the following standard disclaimers:



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The postings on this site are my own and do not represent Sarpy County's views, strategies, or opinions.

OR

DISCLAIMER: This is a personal website, produced in my own time and solely reflecting my personal opinions. Statements on this site do not represent the views or policies of my employer, past or present, or any other organization with which I may be affiliated.

Section 4: Hosted Sites

Sarpy County Hosted Sites

- A. Before using social media, employees are expected to adhere to applicable state and federal law, and County compliance requirements including the County's Anti-Harassment Policy and other related and applicable policies. In addition to this Regulation, all rules that apply to County communications also apply here.
- B. Employees are to be respectful; and therefore, may not post any material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful, or embarrassing to another coworker, person, or entity when posting to County hosted sites.
- C. If posting to a County Hosted blog, the subject of the blog must focus on topics related to the organization.
- D. Employees must be honest and accurate when posting information or news, and if a mistake is made it must be corrected immediately.
- E. Employees must abide by law and respect copyright laws and may not post content or conduct any activity that fails to conform to any and all applicable state and federal law. This includes public meeting laws, public record law, and other related regulations.
- F. Employees must obtain written pre-approval from their Department Head and the IS Department before setting up any Sarpy County hosted social media.
- G. When posting electronic comments and statements, employees need to seek approval from the applicable Department Head to ensure the accuracy of information.



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Non-Sarpy County Hosted Sites

- A. Employees may not disclose any confidential, security, or proprietary information of, or about, the County itself, its employees, its clients, its affiliates, vendors, or suppliers.
- B. Employees cannot represent that they are communicating the views of the County or do anything that might reasonably create the impression that they are communicating on behalf of or as a representative unless they have been granted written permission to do so by their Department Head.
- C. Employees have an obligation to protect inmate/detainee, client, coworker confidentiality and therefore may not use or disclose any identifiable information of any kind. Even if an individual is not identified by name within the information the employee wishes to use or disclose, if there is a reasonable basis to believe that the person could still be identified from that information, then its disclosure would constitute a violation of the Health Insurance Portability and Accountability Act (HIPAA), other privacy laws/regulations, and the PRR and/or Policy Bulletins.
- D. Employees using non-County hosted sites must be clear that any postings are their own and do not represent the views or opinions of the County.

Section 5: Guidelines

Keep in mind that posts are visible by anyone with online access. It may be fine for employees to share their work at the County as part of their participation in an online community, etc., but employees do not have permission to reveal any information that compromises County policy or public positions. Employees are not to share anything that is proprietary and/or confidential to the County.

The following are a few guidelines to follow before posting any information on social media:

- A. Employees are strongly advised to refrain from posting items that could reflect negatively on the County or otherwise embarrass the organization, including comments or other posts about drug or alcohol abuse, profanity, off-color or sexual humor, and other inappropriate conduct. The use of ethnic slurs, personal insults, obscenity, or the engagement in any conduct that would not otherwise be acceptable in the workplace is prohibited.
- B. Employees are strongly advised to refrain from accessing social media while at work for personal, outside business, employment, or non-County related purposes.



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However, at Department Head discretion, limited, occasional, or incidental use of social media for personal non-County purposes is acceptable insofar as that use does not interfere with the County's business activities and as long as such use does not involve any of the following:

1. Interference or violation with the PRR, County policies, or departmental policies,
 2. Disruption of, or distraction, from the conduct of County business because of customer/client volume, content, frequency, etc.,
 3. Solicitation,
 4. Personal business activity for profit,
 5. Potential to harm the County,
 6. Illegal activities, and
 7. Permitting the display, storage, or recording of any kind of sexually explicit image, text, or document.
- C. Employees shall be responsible for any charges arising from personal use associated with social media. Employees are expected to act responsibly and shall be subject to disciplinary action if this privilege is abused.
- D. Employees are to show proper respect for people's privacy and for topics that may be considered objectionable or inflammatory. Follow all privacy protection laws, such as HIPAA.
- E. Employees shall abide by all laws, including those laws governing defamation, discrimination, and harassment.
- F. Employees are not to disclose Sarpy County's (or anyone else's) confidential or other proprietary information unless they have received written permission from their Department Head prior to sharing or publishing.
- G. Employees are not to reference County staff, inmates, detainees, clients, affiliates, vendors, or suppliers without their written approval.
- H. Employees are not to use social media to download or distribute pirated software or data.
- I. Employees desiring to publish content to any website or through any social media that has something to do with their own work must utilize a disclaimer (refer to the Blogging disclaimers under Provisions).
- J. Employees must ensure that social media use is consistent with the PRR and Policy Bulletins as well as other state and federal laws.



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- K. Employees are to make sure that online activities do not interfere with job performance and comply with departmental policies and guidelines.
- L. Departments that use social media are responsible for complying with applicable state and federal laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), First Amendment, privacy laws as well as information security policies established by the County.
- M. Social media is not to be used for employment recruitment unless authorized by the Human Resources Director.
- N. Employees may utilize paid leave, lunch, or break periods as well as time before or after work hours to access social media on personal electronic devices on a personal network or within established guidelines of their department when utilizing County-provided equipment and/or network.

Respecting differences, appreciating diversity of opinions, and speaking or conducting oneself in a professional manner is expected at all times. When employees are not completely confident about what they intend to share, they need to seek input from their Department Head to ensure that it is not violating the PRR or other related policies.

Section 6: Monitoring Employee Usage

Social media access may be randomly monitored by the IS Department. The Department may have software and systems in place that can monitor and record social media usage. The County will review activity and analyze usage patterns, and may choose to disclose this data in any manner the County deems appropriate.

Section 7: Reporting Violations

The County requests and strongly urges employees to report any violations or possible perceived violations to their Department Head or the Human Resources Department. Violations include discussion of the County and its employees, inmates, detainees, citizens, vendors, clients as well as any discussion of proprietary information and any unlawful activity related to the use of social media.

Employees found to be in violation of this Regulation may be subject to disciplinary action, up to and including termination.



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THIS RULE AND REGULATION WILL BE APPROVED AT A LATER DATE



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 8: <i>Political Activity</i>	Pages: 1 of 1

Section 1: Introduction

Sarpy County is, by design, a political subdivision. While desiring not to intrude on personal activities, we must be mindful of our duties to both employees and the public. This Regulation is created to assure employees are protected against coercion in political activities; either for participation or lack of participation outside of their normal working hours or official duties.

Section 2: Provisions

Pursuant to Nebraska Revised Statute §49-14,101.02.

- A. Employees are free to support political candidates as private citizens but shall not use their employment or County resources to influence the political process.
- B. Employees shall not be coerced to take part in political campaigns, ballot issues, soliciting votes or funds, contributing, or supporting the appointment or election of candidates for any office.
- C. Employees shall not be disciplined, transferred, demoted, or otherwise penalized for supporting or failing to support a political candidate provided that the employee has not engaged in political activities during work.
- D. Employees shall not use or authorize the use of public resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Public resources mean personnel, property, resources, or funds.
- E. Employees shall not engage in campaign activity while on work time. Employees found to be violating this provision shall be subject to disciplinary action.

Employees who believe they have been coerced or penalized for participating or not participating in any political activity should report such belief per the Whistleblower Activity Regulation (refer to *Rule 6: General Terms and Condition, Regulation 4: Whistleblower Activities.*)



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
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Section 1: Introduction

Employees of Sarpy County are expected to perform their job as effectively and efficiently as possible. Part of such performance is attendance. Prompt and regular attendance is essential to the operation of County Offices. The County is entitled to regular attendance from all employees and considers attendance to be an essential job function for every job.

The County is aware that it may be necessary for employees to be absent from work and that emergencies, illnesses, or pressing personal business, which cannot be scheduled outside work hours, may arise. Paid Leave is to be used for this purpose.

However, excessive unapproved absences, being tardy, or leaving early are detrimental to the County's ability to meet the public's expectations and will not be tolerated. Exceptions for extenuating circumstances will be considered when evaluating attendance under this Regulation by Department Heads.

Section 2: Definitions

The following definitions are meant to provide clarity to the terms used within this Regulation:

Absence: Occurs when employees miss a partial and/or full scheduled shift, excluding leaving early or being tardy.

Leaving Early: Occurs when employees depart from work prior to the end of their scheduled shift.

Tardy: Occurs when employees arrive to work after their designated start time.

Unapproved Absence: Occurs when employees fail to follow the provisions of reporting an absence, the reason for absence is not acceptable, or they are in an unpaid leave status not provided for by departmental discretion, PRR, or by law.

Unpaid Leave: Occurs when employees are absent and without benefit of paid leave time. Refer to Rule 12: Types of Leave for further information.



PERSONNEL RULES AND REGULATIONS

RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 9: <i>Attendance</i>	Pages: 2 of 3

Section 3: Provisions

A. Absence:

Employees who are unable to work shall notify their Department Head in accordance with their departmental procedures. Employees unable to call in because of an illness, an emergency, or for some other reason should have someone notify their Department Head on their behalf. For non-FMLA continuous absences, employees are expected to make notification each day they are absent unless other arrangements are authorized by the Department Head. Failure to provide notification may result in discipline, up to and including termination.

If employees become ill during work hours, they must notify their Department Head prior to leaving the work premises. For advance absences, employees must obtain pre-approval in accordance with departmental procedures.

Any unauthorized absence by employees from duty shall be an absence without pay. **Employees who are absent from work for three (3) consecutive days without authorization shall be deemed to have voluntarily resigned.**

B. Tardy:

Rarely is being late excusable. Employees who anticipate they will be arriving to work late shall make every effort to contact their Department Head to notify them of their expected time of arrival.

C. Leaving Early:

Employees shall request approval from their Department Head prior to leaving early. If approval is granted, employees are required to use paid leave as applicable. If denied, employees are expected to remain at work.

D. Recordkeeping:

Departments shall keep daily attendance records of its employees. Department Heads will note any unapproved absence or incidence of being tardy or leaving early as well as the reason for such. Attendance records will be considered when evaluating requests for promotions, transfers, leave requests, and approved time off, etc. Refer to *Rule 12: Types of Leave* for further information.

Section 4: Violating Attendance

In general, two (2) unapproved absences in a 60 calendar day period or a consistent pattern of absence will be considered excessive and the reasons for the absences will come under question.



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Two (2) incidences of unapproved tardiness or unapproved leaving early in a 60 calendar day period will be considered a “ pattern” and will carry the same weight as a single absence. Other factors, such as the degree of lateness may be taken into consideration.

Violations under this Regulation may lead to disciplinary action, up to and including termination. Refer to *Rule 7: Disciplinary Actions* for further information.



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RULE 6: <i>General Terms and Conditions</i>	APPROVED: REVISED:
REGULATION 10: <i>Employee Performance</i>	Pages: 1 of 1

The Human Resources Director shall, in conjunction with Department Heads, develop, adopt, and maintain a system of appraising employee performance. The performance evaluation system shall include, but is not limited to, quality and quantity of work performed, employee conduct, knowledge level, attendance, etc.

In accordance with Nebraska Revised Statute §23-2525, such performance evaluation may be used in determining eligibility for salary adjustments; in discovering who should be transferred, promoted, or laid off; in rating suitability for promotion; and in developing necessary training activities.

Employees successfully completing their Introductory Probationary Period will receive a performance evaluation in accordance with *Rule 5: Probationary Periods, Regulation 1: Introductory Probationary Period.*

Tenured employees shall receive annual performance evaluations and at such times and in such manner as directed by the Human Resources Director. Periodic evaluations may be conducted at the discretion of the Department Head.



PERSONNEL RULES AND REGULATIONS

RULE 7: <i>Progressive Discipline</i>	APPROVED: REVISED:
REGULATION 1: <i>Discipline</i>	Pages: 1 of 6

Section 1: Introduction

Sarpy County will administer disciplinary provisions in order to ensure the fair and equitable treatment of employees who are not performing to expectation, who violate applicable work rules and/or laws, who conduct themselves in an inappropriate manner, or who disobey a legitimate, direct order of a superior. Such provisions shall also provide adequate protection for employees accused of misconduct and for appropriate monitoring, corrective actions, and appeal processes.

The County will use progressive discipline in most disciplinary situations. Formal discipline may not be initiated without consultation with the Human Resources Director and approval of the Department Head.

The purpose of this Regulation is to acquaint employees with expectations to guide their conduct in order that they can be contributing team members helping to achieve the objectives of better and more efficient service to the County's community.

Section 2: Administrative Actions

Corrective Action (Non-disciplinary):

Department Heads have primary responsibility for determining the adequacy of their employees' performance and conduct as well as for initiating corrective action when necessary. If corrective action can be accomplished through verbal coaching, closer supervision, counseling, or on-the-job training, formal disciplinary action may not be necessary.

Formal Disciplinary Actions:

In those instances where Corrective Action has not elicited improvement or for "cause" beyond Corrective Action, discipline shall be utilized. Disciplinary Actions include reprimands, suspensions, demotions, and dismissal.

These Disciplinary Actions are defined as follows:

- A. **Reprimand:** A Department Head may reprimand employees for cause. Reprimands shall address and communicate the specific performance/conduct issues and shall be presented to employees for signature. All reprimands and related documents will be placed in the respective employee's civil service personnel file.



PERSONNEL RULES AND REGULATIONS

RULE 7: <i>Progressive Discipline</i>	APPROVED: REVISED:
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Reprimands may not be appealed to the Personnel Policy Board. However, tenured employees may appeal a written reprimand directly to the Human Resources Director. This appeal shall be presented within 15 calendar days of its receipt. The Human Resource Director shall respond in writing within 15 calendar days. This written decision shall be final and binding upon all parties. A written rebuttal to this final decision may be submitted by the employee within 15 calendar days of the decision.

1. Verbal Reprimand is typically the first step and occurs when a supervisor and/or Department Head become aware of a problem. This reprimand will be documented in writing.
2. Written Reprimand normally the second step of discipline occurs when the verbal reprimand did not result in prompt improvement or in situations where the issue is sufficient to begin discipline at this step. The written reprimand shall state the action that caused its issuance and action steps necessary to achieve expectations and avoid further discipline. Depending upon the nature of the disciplinary action, an employee may be placed on a probationary period in conjunction with a performance improvement plan. *Refer to Rule 5: Probationary Periods, Regulation 2: Trial Period Probations* for further details.

Employees may submit to the Human Resources Department an explanation or rebuttal to a written reprimand within 15 calendar days of its receipt.

- B. **Suspension:** If reprimands fail to result in improved performance and/or behavior, Department Heads may avail themselves of this third step of progressive discipline. Employees may be suspended without pay for cause for a total not to exceed 30 working days in any 12 month period; however, no single suspension shall be for more than 10 work days. Depending upon the nature of the offense, suspension may be the first step of the disciplinary process.

Prior to suspension, the Department Head shall notify the employee in writing in accordance with Section 4 of this Regulation.

Employees who are suspended may appeal in writing for a hearing before the Personnel Policy Board. Appeals must be filed with the Human Resources Department no later than 15 calendar days after the first day of suspension.

- C. **Demotion:** A Department Head may demote an employee for cause in accordance with *Rule 4: Promotions, Transfers, and Demotions Regulation 3: Demotions & Loudermill Process*. Demotions may be used as a last resort prior to Dismissal unless the offense is sufficient to justify demotion as a first step.



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No demotion shall be made as a disciplinary action unless the employee to be demoted is qualified for the job in the lower grade/class and shall not be made if a tenured employee would be laid-off as a result of such action.

Prior to demotion, the Department Head shall notify the employee in writing in accordance with the Section 4 of this Regulation.

Employees who are demoted for cause may appeal in writing for a hearing before the Personnel Policy Board no later than 15 calendar days of the date on the letter notifying the employee of the decision to be demoted.

Upon determination, the Department Head shall complete and submit to the Human Resources Department an Employee Action Form outlining any status changes resulting from the demotion.

- D. **Dismissal:** Department Heads may dismiss tenured employees for cause. Prior to a dismissal, the Department Head shall notify employees in writing of proposed dismissal along with the specific reasons for dismissal. Dismissal is generally the last step of progressive discipline unless the offense is sufficient to justify dismissal as a first step.

Employees shall be given an opportunity to rebut their dismissal at a Pre-Disciplinary Hearing, as outlined in Section 4 of this Regulation.

Employees may appeal in writing for a hearing before the Personnel Policy Board no later than 15 calendar days after the date on the letter notifying the employee of the dismissal.

Upon determination, the Department Head shall complete and submit to the Human Resources Department an Employee Action Form outlining the specific changes due to the dismissal.

The Department Head may consider previous Disciplinary Actions even if the previous discipline was for a different or unrelated offense. Disciplinary Action shall be taken in a timely manner. Every attempt must be made to monitor employees' behavior and to take any necessitated Disciplinary Action as soon after an offense is identified as practicable. Multiple violations should not go unchallenged before taking appropriate discipline, such as multiple sick leave abuses or incidences of insubordination, etc.

Section 3: Infraction Examples

The following examples illustrate what the County considers improper behavior. This is not a complete list, and the fact that an infraction is not listed does not mean discipline



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could not be imposed. The County reserves the right to investigate, make judgment, and take appropriate Disciplinary Action. The level of severity and/or the frequency of an infraction will be a determining factor in the level of Disciplinary Action to be taken.

- A. Conviction of a felony or crime which renders employees unfit to perform their job duties;
- B. Failure to obtain and/or maintain a current license, permit, or certification required by law or job requirement;
- C. Incompetent or inefficient job performance;
- D. Violation of a safety rule;
- E. Insubordination (failure to obey any proper direction given by a superior);
- F. Falsification of work product or time keeping records with the intent to defraud;
- G. Failure to maintain a satisfactory attendance record;
- H. Absence without leave contrary to these Rules or failure to report after leave of absence expires or leave request is disapproved, revoked, or cancelled by the Department Head;
- I. Breaches of confidential information be they verbal or written;
- J. Careless or negligent handling of monies or other County property;
- K. Damage to County property;
- L. Failure to maintain satisfactory working relationships;
- M. Lying, making false statements, or being purposely deceptive;
- N. Theft, bribery, misappropriation, or unauthorized use or possession of County property, property of another employee, or property of inmates/detainees;
- O. Infliction of physical harm to another person;
- P. Discrimination or harassment based in whole or in part on race, color, sex, religion, age, disability, or national origin, or any other protected group which manifests itself in the form of comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- Q. Sleeping while on the job;
- R. Failure to abide by or violate these Rules, Personnel Policy Bulletins, or any other County/departmental policies;



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- S. Engaging in immoral or notoriously disgraceful conduct which is prejudicial to the County or its reputation;
- T. Engaging in outside business activities while on paid time or the use of County property for such activities;
- U. False statement, misrepresentation, or omission of material fact on an employment application and/or related documents; or
- V. Working another non-County job while on sick leave.

Section 4: Loudermill (Pre-Disciplinary) Hearing Process

- A. Tenured employees shall have an opportunity to respond to allegations regarding their potential suspension, demotion, or dismissal. The Pre-Disciplinary Hearing is designed to provide an initial check against mistaken determination and to assist the Department Head in making a determination as to whether there are reasonable grounds to believe that the allegations against employees are true and support the proposed actions. Employees are entitled to:
 - 1. A written notice of pending allegations,
 - 2. The County's evidence, and
 - 3. An opportunity to present an argument/evidence as to why a suspension, demotion, or dismissal should not occur.
- B. The Department Head shall provide employees a Loudermill Notice a minimum of 48 hours prior to the upcoming Hearing.
- C. Employees shall continue to work at assigned tasks until such time as the scheduled Hearing is conducted and a final decision rendered except in those instances where the Department Head deems it appropriate for the employee to be placed a paid Administrative Leave. Reasons employees may be placed on an Administrative Leave include, but are not limited to, further investigation, potential threat to the wellbeing of employees or the public, and/or potential liability to the County.
- D. Employees' Response Options to Loudermill Notice
 - 1. Indicate in writing their decision not to attend the Hearing. If this should occur, the Department Head may proceed with the proposed discipline,
 - 2. Not attend the Hearing at the prescribed time. If this occurs, the Department Head may proceed with the proposed discipline,



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3. Instead of attending the Hearing submit written documentation refuting the proposed discipline. In this situation, the Department Head will consider the documentation and make a determination, or
 4. Attend the Hearing or have a representative attend the Hearing. In this circumstance, the Department Head shall consider any additional information and make a determination.
- E. Once the Department Head has made a determination, written notification will be provided to all parties. The notification shall include language explaining the employees' right to appeal to the Personnel Policy Board in accordance with *Rule 1: General Provisions, Regulation 5: Personnel Policy Board Hearings*.
- F. If, following the Loudermill Hearing, it is decided sufficient evidence is not present to warrant a suspension, demotion, or dismissal, the Department Head may impose a lesser Disciplinary Action.
- G. While the process of a Loudermill Hearing has been described in some detail, the Hearing itself is intended to be a somewhat informal session with each party having the ability to exchange information and come to an understanding of the issues involved as well as their importance.



PERSONNEL RULES AND REGULATIONS

RULE 8: <i>Complaint, Grievance, and Appeal Procedure</i>	APPROVED: REVISED:
REGULATION 1: <i>Informal Complaints</i>	Pages: 1 of 1

When employees feel dissatisfied or annoyed with an aspect of employment over which they have no control and when they desire remedial action, they are encouraged to present the problem informally to their immediate supervisor. If not resolved at this level, employees can discuss the matter with their chain of command or file a grievance as outlined in the PRR.

Employees shall be assured freedom from discrimination, coercion, restraint, or reprisal in presenting complaints.

This Regulation shall not suspend time limitations for the filing of a grievance or appeal.



PERSONNEL RULES AND REGULATIONS

RULE 8: <i>Complaint, Grievance, and Appeal Procedure</i>	APPROVED: REVISED:
REGULATION 2: <i>Grievance Procedure</i>	Pages: 1 of 2

Section 1: Introduction

Tenured employees shall have an opportunity to formally address non-disciplinary issues arising out of the PRR, County policies, and/or collective bargaining agreements.

The Grievance Procedure set forth herein is designed to preserve harmony and friendly relations between the County and its employees. Furthermore, the Grievance Procedure provides a just and equitable method for the resolution of grievances without discrimination, coercion, restraint, or retaliation against those employees who submit, consider submitting, or are involved in a grievance procedure.

This Regulation shall not be used to change any portions of the PRR.

Section 2: Provisions

A grievance is defined to be any disagreement concerning the interpretation or application of the specific and expressed provisions or terms of County policies, collective bargaining agreements, or the PRR not relating to discipline. Disagreements relating to the substantive terms or provisions of the PRR, County policies, or collective bargaining agreements shall not be considered grievances. *Refer to Rule 1: County Civil Service Act General Provisions, Regulation 1: Intent and Purpose.*

Employees, or their representative, may withdraw a grievance at any time during this Grievance Procedure. Such withdrawal shall be indicated on the *Grievance Form*.

Any time limitations for this Regulation may be waived or extended in writing by mutual agreement of the parties involved.

Section 3: Grievance Procedure

Employees choosing to file a grievance are to complete a *Grievance Form*. When filling out the form, the following information must be stated with reasonable clarity:

- A. Nature of the grievance,
- B. Act or acts of commission or omission,
- C. Date of the act or acts,
- D. Identity of the party or parties who claim to be aggrieved,
- E. Identify of the party or parties alleged to have caused the grievance,



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F. Specific provisions of the PRR, County policies, and collective bargaining agreements that are alleged to have been violated, and

G. Remedy sought.

Grievances shall be processed in the following manner:

Step 1: Aggrieved employees shall present the *Grievance Form* to their Department Head within 15 calendar days from the date on which they became aware of or should reasonably have been aware of the incident giving rise to the grievance.

The Department Head shall address the nature of the grievance and note the specific reason for accepting or denying the grievance by writing their response on the *Grievance Form*. The Department Head will return the signed form to the aggrieved employee within 15 calendar days. The Department Head will forward a copy of the completed form to the Human Resources Department to be placed in the employee's civil service personnel file.

Step 2: If satisfactory settlement is not reached under Step 1, aggrieved employees, or their representative, or the Department Head shall submit the *Grievance Form* to the Human Resources Director for appeal to the Personnel Policy Board. This submission must occur within 15 calendar days from the date the employee receives the Department Head's response in accordance with Step 1.

The Board shall hold a Hearing on the matter within 30 calendar days, insofar as a quorum can be achieved, after receipt of the grievance by the Human Resources Director. Refer to *Rule 1: General Provisions, Regulation 4: Personnel Policy Board Hearings* for specific details.

The decision of the Board shall be final and binding on all parties; however, this does not prevent either party from pursuing further actions as allowed for by law.



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RULE 8: <i>Complaint, Grievance, and Appeal Procedure</i>	APPROVED: REVISED:
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Section 1: Introduction

In accordance with the Provisions below, the Grievance Procedure shall be bypassed for direct appeal to the Personnel Policy Board. This Regulation defines those situations in which this shall occur.

Section 2: Provisions

Tenured employees may appeal directly to the Personnel Policy Board the following actions:

- A. Receipt of three (3) written reprimands, involving the same subject matter, within a 12 consecutive-month period,
- B. Suspension,
- C. Demotion for cause, and
- D. Dismissal.

Section 3: Appeal Procedure

Employees shall present their *Appeal Form* to the Human Resources Director within 15 calendar days from the date on which they became aware of or should have reasonably been aware of the incident giving rise to the Appeal.

The Personnel Policy Board shall hold a Hearing within 30 calendar days, insofar as a quorum can be established, in accordance with *Rule 1: General Provisions, Regulation 4: Personnel Policy Board Hearings*.

The decision of the Board shall be final and binding on all parties; however, this does not prevent either party from pursuing further actions as allowed for by law.

Any time limitations provided under this Regulation may be waived or extended in accordance with *Rule 1: General Provisions, Regulation 4: Personnel Policy Board Hearings*.



PERSONNEL RULES AND REGULATIONS

RULE 9: <i>Training and Career Development Programs</i>	APPROVED: REVISED:
REGULATION 1: <i>Training Program and Career Development Program</i>	Pages: 1 of 1

Section 1: Training Program

The Human Resources Director shall devise plans for and cooperate with Department Heads in the development and delivery of training programs which continually improve employees' skills to deliver quality service on behalf of the County.

Programs to be developed include employee soft skills such as communication, conflict resolution, customer service, teamwork, as well as general and specialized job training, safety, and work motivation. Training will be provided to employees in a fair and equitable manner within the constraints of departmental operations with the discretion of the Department Head.

The Human Resources Director shall assist Department Heads in determining their training needs and assist them in conducting periodic evaluations to determine the effectiveness of such programs.

The Human Resources Director shall initiate and encourage needed interagency training programs and shall assist County agencies, professional and employee organizations, and State and County educational institutions in carrying out interagency training.

Section 2: Career Development Program

The Human Resources Director shall with the assistance of the Department Heads plan, promote, and implement a Career Development Program designed to meet the continually changing staff requirements of the various departments, which will consist of the following elements:

- A. Identifying key managerial, professional, scientific, technical, and administration jobs in which the need for replacements can be reasonably anticipated within the next decade;
- B. Assessing available manpower to determine whether or not highly competent replacements are available or persons of considerable potential are available;
- C. Determining what is required to develop that potential into high competency; and
- D. Providing the necessary resources to ensure a supply of highly competent manpower to meet the needs of the County.



PERSONNEL RULES AND REGULATIONS

RULE 10: <i>Classification System</i>	APPROVED: REVISED:
REGULATION 1: <i>Classification System Administration</i>	Pages: 1 of 4

Section 1: Introduction

The Human Resources Director shall be responsible for the maintenance of the Classification System including, but not limited to, the classification of new jobs, the reallocation/reclassification of existing jobs, and the maintenance of current class descriptions, class lists, as well as Classification System records.

Section 2: Preparation and Content of the Classification System

The Human Resources Director shall create and may amend, as provided in the PRR, written descriptions for each Class in the Classification System as well as job descriptions for each job within a Class. Each Class shall have a title, a description of the general duties and responsibilities, and a general statement of qualifications necessary to perform jobs within the Class.

The class descriptions are narrative and not restrictive. They are intended to indicate the types of jobs allocated to a particular Class based upon their general duties and responsibilities and are not to be construed as declaring specific duties/responsibilities or as limiting or modifying the power of Department Heads to assign, direct, or control the essential functions assigned to a particular job or control the work of employees under their direction. In determining the Class to which a job should be allocated, the description of each Class shall be considered as a whole. Consideration shall be given to the essential functions, peripheral duties, minimum qualifications, knowledge, skills, and abilities of the job as well as its relationship to jobs in other Classes.

The statement of qualifications required in the class description for any Class shall constitute the basis and source of authority for tests to be included in examinations and the evaluation of qualifications pertaining to applicants. Therefore, qualifications listed in the class descriptions shall not be construed as representing or measuring qualifications of employees already working within the Class. However, qualifications enumerated in job descriptions shall relate to the minimum required standards of experience and training necessary to successfully perform the job.

Section 3: Class and Job Titles

Each of the standard titles specified in the Classification System shall also be used to identify a Class of jobs and to identify each individual job within the Class.



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Class titles are generally indicative of the type of work performed, whereas job titles are specific to each job individually. Where Roman numerals are affixed at the end of a job title the higher the number the higher the level of work performed. Where the term “Senior” is attached to a job title, it indicates a higher level of work performed as compared to those of the same job title without such identifier, such as Diversion Officer and Senior Diversion Officer.

For external purposes or other internal purposes not relating to Personnel Administration, any suitable organizational title or other title in common use may be used provided that such title is not similar to or confused with any class title other than the one by which the job is officially designated.

Section 4: Interpretation and Use of Class and Job Descriptions

The Human Resources Director shall be charged with the responsibility for the proper implementation and administration of the Classification System, so that it will reflect the overall duties performed by each employee in the classified service and the Class to which each job is allocated.

Whenever a Department Head desires to create a new job, a New Job Creation Request Form shall be completed and submitted to the Human Resources Director. The Human Resources Director shall promptly authorize an official job description to be created and the Dimensional Scoring System (DSS) to be conducted to allocate the job to the appropriate Class and determine the job’s pay grade. The Human Resources Department shall consult with the Department Head in the creation of the job description to ensure it accurately reflects the necessary qualifications, knowledge, skills, and abilities, necessary to successfully perform the essential functions as set forth by the Department Head. Once the job description is finalized, the Human Resources Director shall ensure the result is communicated to the Department Head.

Whenever a Department Head desires to make any permanent and substantial change to the essential functions of a job, written notification of the proposed change(s) shall be submitted to the Human Resources Director. The Human Resources Department shall modify the job description, conduct the DSS for grade determination, and evaluate the Class to ascertain if reallocation is necessary. After due investigation, the Human Resources Director shall promptly notify the Department Head and the employee of the results.



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Section 5: Reallocation, Reclassification, and Abolition

The Human Resources Director may initiate as part of the Civil Service Administration, at the request of a Department Head, or at the request of tenured employees (for his or her own position) a study of a job's essential functions to determine if the Class and pay grade are proper. Studies are typically conducted at the time of a vacancy or every three (3) years. Following such study, the Human Resources Director may implement any Class Reallocation or grade Reclassification that is appropriate per this Regulation within budgetary constraints.

Tenured employees occupying a job which has been Reallocated and/or Reclassed shall continue in the job only if they possess the minimum qualifications requisite for the job. In any case, where an incumbent is ineligible to continue in the job and is not transferred, promoted, or demoted, the layoff provisions of the PRR shall apply.

Tenured employees occupying a job within a Class whereby the job and/or Class is eliminated may avail themselves of their rights in accordance with *Rule 13: Separation from County Service, Regulation 1: Types of Separation*.

Tenured employees occupying a job which has been Reallocated, Reclassed, or Abolished may appeal within 15 calendar days of the receipt of such action to the Personnel Policy Board if the action resulted in a lower pay grade or elimination of their job. Refer to *Rule 1: General Provisions, Regulation 5: Personnel Policy Board Hearings*.

Upon a finding by the Personnel Policy Board that the Reallocation and/or Reclassification were improper, retroactive pay may be awarded to the first day of the pay period following the original notice of the Human Resource Director's decision within budgetary constraints.

Section 6: Compensation Adjustment

Any reallocation or reclassification is subject to existing budget for the affected department. When a Reallocation and/or Reclassification occurs, the change in compensation shall be effective with the start of the next pay period following the date of determination.

When the Human Resources Director determines that the Reallocation and/or Reclassification of an employee to a higher pay grade was delayed or is otherwise not



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in accordance with the provision of this Regulation, the Human Resources Director may authorize retroactive compensation for up to six (6) months to correct the deficiency.



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RULE 11: <i>Compensation Plan</i>	APPROVED: REVISED:
REGULATION 1: <i>Compensation Plan Administration</i>	Pages: 1 of 6

Section 1: Introduction

The Human Resources Director shall be responsible for administration of the County's classified service Compensation Plan. In accordance with Nebraska Revised Statutes §23-2525[2], the Rules and Regulations shall provide for a Compensation Plan for all employees in the classified service, comprising salary schedules, hours of work, premium payments, special allowances, and fringe benefits considering the amount of money available, the prevailing rates of pay in government and private employment, the cost of living, the level of each class in the classification (system) plan, and other relevant factors. Initial, intervening, and maximum rates of pay for each class shall be established to provide for steps in salary advancement without change of duty in recognition of demonstrated quality and length of service. The compensation plan and amendments thereto shall be adopted in the manner prescribed for rules and regulations and shall in no way limit the authority of the Board of County Commissioners relative to appropriations for salary and wage expenditures.

Section 2: Provisions

The compensation of employees occupying graded jobs shall be on the basis of the Salary Schedules prescribed for the respective classes as established by the County Board. Compensation for full-time classified appointments is based on working 40 hours per week.

Section 3: Starting Compensation at Appointment

Appointment into the classified service shall be made at the minimum rate of pay as established by the job's grade and advancement from the minimum to the maximum pay rate shall be based on performance and length of service.

- A. Upon recommendation of the Department Head, the Human Resources Director may approve starting compensation at a rate higher than the minimum pay rate for the job's grade when the needs of the service make such action necessary; provided that any such exception is based on the outstanding and unusual character of the candidate's experience and ability over and above the minimum qualifications specified in the job description or that a critical shortage of applicants exists. In the case where a critical shortage exists, incumbents subject to the same labor market conditions occupying the same job shall have their compensation increased to the rate established for entrance of those receiving original appointments.



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RULE 11: <i>Compensation Plan</i>	APPROVED: REVISED:
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- B. The Human Resources Director, upon recommendation of the Department Head, may authorize employment in a trainee capacity provided the needs of the service make such action necessary. Compensation will be established at no greater than fifteen percent (15%) below the minimum rate for the job. The trainee shall be given work experience so as to meet the minimum qualifications for the job within one (1) year and compensation will be adjusted to the minimum pay rate by this time. Trainee compensation will only be authorized if the trainee does not possess the minimum qualifications of the job.
- C. When employees are re-employed in a job in which they were previously employed for up to two (2) years prior, the Human Resources Director may authorize compensation up to the step of the pay grade corresponding to that which employees had been receiving upon termination of employment.

Section 4: Starting Compensation on Return to a Classified Job from an Unclassified Position

Employees who in accordance with *Rule 12: Types of Leave, Regulation 9: Special Leaves* are granted a leave from the classified service to accept an unclassified position and subsequently return from that leave to the job previously held for which they are fully qualified shall normally receive the same pay rate in effect at the time the leave commenced. If that rate is below the minimum rate for the grade, they shall receive the minimum pay rate. If that rate is above the maximum rate for the job, they shall receive the maximum pay rate for the job. Upon return to the classified job, all eligibility dates will be restored to what they were at the time of departure from the Classified Service.

Section 5: Recommendations for Compensation Advancement

Compensation advancement may be made annually until employees reach the maximum pay rate for their job based upon the Board approved Salary Schedules.

Tenured employees shall have their performance reviewed annually. In order to receive a pay rate increase, employees must receive an overall performance rating of satisfactory or greater. The Department Head shall complete and submit to the Human Resources Director an *Employee Action Form* for each employee who has received a satisfactory or greater performance rating. All advancement requests require approval from the Human Resources Director.

A Department Head may request a merit increase for employees due to exceptional or unusual circumstances in connection with their job performance. The written



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explanation along with an Employee Action Form submitted to the Human Resources Director must explain the reason(s) for such merit increase and must be consistent with the spirit and purpose of merit system provisions. All merit increase advances requested pursuant to this Section require the approval of the Human Resources Director and will become effective the first full pay period following approval within budgetary constraints.

Section 6: Compensation of Temporary, Seasonal, Emergency, and Provisional

Appointments at a rate other than the minimum rate shall require the approval of the Human Resources Director. Temporary, emergency, or provisional appointees shall not be eligible for compensation adjustment during their appointment. Seasonal appointees occupying full-time or part-time jobs may be employed initially at the minimum pay rate of the job's grade. Annual pay rate increases within the pay grade may be granted upon approval by the Human Resources Director.

Temporary, seasonal, emergency, or provisional employees shall not be eligible for the benefits of the classified service with the exception of those mandated by federal or state law.

Section 7: Pay Rate Change Due to Reallocation or Reclassification

In the event of the Reallocation or Reclassification of a job to a higher class or higher grade:

- Step 1: Employee's pay rate will be increased by the step percentage of the salary schedule,
- Step 2: This newly calculated rate will be compared to the new grade and adjusted to the closest step that ensures the full step increase, and
- Step 3: The date for future wage increases and performance evaluations will be adjusted to the reallocation/reclassification effective date.

In the event that the Reallocation/Reclassification results in a decrease in grade, employees' rate of pay shall be frozen at the current pay rate until such time that the new grade's pay rate meets or exceeds the frozen rate as a result of general increases or length of service.

In those situations where the Reallocation is to another job in the same pay grade, the pay rate will remain unchanged.



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Any change in pay rate shall be effective the first day of the pay period following the Reallocation/Reclassification determination within budgetary constraints.

Section 8: Overtime and Compensatory Time Administration

Non-exempt employees are eligible for overtime and compensatory time. The Department Head may assign reasonable periods of overtime to meet department operating needs. Complete records of overtime or compensatory time shall be recorded by employees' on their timecards. Employees shall receive time-and-a-half (1½) for hours physically worked over 40 per week. Holidays will count toward the 40 hours worked for overtime and compensatory time calculations. Department Heads may opt to provide compensatory time in lieu of overtime not to exceed the limits prescribed under the Fair Labor Standards Act (FLSA).

Section 9: On-Call Compensation

Non-exempt employees who are scheduled to be available to return to work, but who are not under the control of the County, shall be paid two (2) hours pay at their regular pay rate for each pay period they serve in this capacity. Additionally, employees shall receive pay at time-and-a-half (1½) for any actual time worked.

Section 10: Call Back Compensation

Non-exempt full-time employees who have left their normal place of work and who are called to physically return to work during their off-duty time shall be paid a minimum of two (2) hours at a rate of time-and-a-half (1½) or one-and-one-half (1½) times the actual number of hours worked, whichever is greater.

Section 11: Emergency Standby Compensation

Non-exempt employees who are required to standby their post and be ready for duty, at the direction and under control of the County, shall be paid two (2) hours pay at their regular pay rate for each hour of actual time they are assigned to standby.

Section 12: Out-of-class Compensation

Employees serving an Out-of-class assignment (defined as performing the majority of essential functions of a job in a higher grade/class) shall receive an increase in their pay



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rate of a minimum of 5% or the minimum of the first step of the assigned job's grade, whichever is greater. Employees become eligible to receive Out-of-class compensation beginning on the fifth (5th) continuous day working such assignment. Upon completing the fifth (5th) day, compensation will be retroactive to the first day of the assignment. They shall receive Out-of class compensation for the entire duration of the assignment.

Section 13: Detail Assignment Compensation

Tenured employees who receive a Detail Assignment shall be compensated at the discretion of the Department Head. Refer to *Rule 4: Promotions, Transfers, Demotions, and Detail Assignments, Regulation 4: Detail Assignments* for further information.

Section 14: Compensation for Supervisor/Manager Personnel

Employees occupying these jobs shall be paid at a pay grade higher than the pay grade of those supervised. This higher pay grade shall also apply to fully qualified employees serving a detailed assignment as supervisors/managers provided that at the conclusion of such detail assignment employees' pay rate shall revert to their immediate prior grade and step.

Section 15: Selective Position Compensation

The Department Head may request that a job be categorized as a Selective Position by providing documentation that supports recruitment and/or retention difficulties. The Human Resources Director must authorize categorization of a job as a Selective Position. The pay grade for approved Selective Positions shall be no more than two (2) grade levels above the job's allocated grade. Any employee occupying a Selective Position shall receive the compensation adjustment. Selective Position compensation will be subject to budgetary constraints.

Should the categorization as a Selective Position no longer be required all incumbents shall revert back to the job's allocated grade and their compensation be red circled.

Section 16: Total Remuneration

The pay rate determined for a job or jobs in the case where employees serve part-time in more than one job under the PRR shall represent the total remuneration for them, not including reimbursement for official travel or expenses. Except as otherwise provided in the PRR, employees shall not receive pay from the County in addition to the salary



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authorized under the Salary Schedules approved by the County Board for service rendered by them, either in the discharge of their ordinary duties or any additional duties which may be imposed upon them or which they may undertake or volunteer to perform except as required by law.

Section 18: Longevity Pay

Full-time tenured employees hired before July 1, 2015, not covered by a labor agreement, shall receive longevity pay based upon the total length of continuous service with the County. Employees hired after July 1, 2015 shall not be eligible to receive longevity pay. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made in a single lump sum amount, subject to mandatory withholding. Part-time employment counts toward years of service for Longevity Pay if at the time of payment employees are full-time.

Longevity Pay is not subject to retroactivity or cumulative building on top of previous Longevity Pay.

Longevity Pay is as follows:

Completed Years of Service	Annual Pay Amount
10 th through 14 th year	\$885
15 th through 19 th year	\$1,330
20 th through 24 th year	\$1,785
25 th through 29 th year	\$2,165
30 th year or more	\$2,400



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
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Section 1: Authorized Holidays

The following and any other days that may be designated by the Sarpy County Commissioners are paid holidays for eligible employees:

New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday of January
President's Day	3 rd Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4 th
Labor Day	1 st Monday of September
Columbus Day	2 nd Monday of October
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday of November
Day after Thanksgiving Day	4 th Friday of November
Christmas Eve (4 hours)	December 24 th
Christmas Day	December 25 th

Section 2: Provisions

- A. Holidays which fall on a Sunday shall be observed on the following Monday; those falling on Saturday shall be observed on the preceding Friday.
- B. To receive holiday pay for Christmas Eve, it must fall on a week day. The Employee's regular schedule must be at least four (4) hours in order to be eligible to receive holiday pay.
- C. Holidays which occur during a vacation, sick, bereavement, or other paid leave shall not be charged against that leave. Vacation leave taken the first workday before or after the observed holiday must be requested to the Department Head 14 calendar days prior to the first day of requested vacation leave. Approval is at the discretion of the Department Head.
- D. An employee absent without authorized leave on the last working day preceding or the first working day following a Holiday shall not receive regular compensation for the Holiday.
- E. An employee who is absent due to certified Family and Medical Leave (FMLA) that coincides with a Holiday shall receive holiday pay if the Holiday would normally be a scheduled work day. In no case will employees use accrued leave and receive holiday for the same day.



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F. An employee on Military Leave during the first 30 calendar days that coincides with a Holiday shall receive holiday pay if the Holiday would normally be a scheduled work day. Other than the above exception, in no case will employees receive both pay for Military Leave and holiday pay.

Section 3: Typical Compensation

Full-Time: Employees working full-time shall be credited with holiday pay at straight time not to exceed eight (8) hours for each of the authorized Holidays. Employees whose work schedule is atypical (i.e. four 10-hour shifts) will be paid their 8 hours of Holiday Leave and will work those hours necessary to ensure a 40 hour workweek.

Part-Time: Employees *working 20 hours or more per week* on a regularly scheduled basis shall be paid for the hours they would normally have worked on the Holiday if it is observed on their scheduled day of work. They shall not be paid for Holidays falling on their regularly scheduled day off.

Part-Time employees *working less than 20 hours per week* on a regularly scheduled basis as well as Temporary, Seasonal, Emergency, or Provisional employees shall not receive pay for Holidays.

Section 4: Compensation When Working a Holiday

- A. Full-Time employees who work a Holiday shall receive pay at their regular pay rate for the actual hours worked plus holiday pay at straight time (i.e., 8 hours for the Holiday plus 8 hours of holiday pay for a total of 16 hours at the regular pay rate).
- B. Full-Time employees working on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day shall be paid one and one-half (1½) times their regular pay rate for each hour worked in addition to receiving eight (8) hours of holiday pay at their regular pay rate (i.e., 8 hours on New Year's Day paid for 12 hours plus 8 hours of holiday pay for a total of 20 hours of pay).
- C. Whenever a Holiday occurs during scheduled vacation, holiday pay shall be paid in lieu of the vacation leave. In no circumstance will employees receive holiday pay and vacation leave for the same day.
- D. A Holiday shall be defined as the 24-hour period commencing at 12:00 a.m. (midnight) and ending at 11:59 p.m. In computing overtime, Holidays during which no compensable work is performed shall not be considered hours worked.



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E. Exempt employees required and authorized by their Department Head to work a Holiday shall, in addition to their regular salary for the Holiday, be granted compensatory holiday time on an hour-for-hour basis for all hours worked up to eight (8) hours. This compensatory holiday time must be used in the calendar year in which it is earned or be forfeited.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 2: <i>Vacation</i>	Pages: 1 of 2

Section 1: Introduction

Vacation Leave is provided for the purpose of rest and relaxation, and it serves as a planned interruption from work as well as for attending to personal affairs. Employees and Department Heads are encouraged, but not required, to see that Vacation Leave is ordinarily taken within 12 months of the date earned. Requests for Vacation Leave will be denied when employees do not have sufficient accrual balances at the time of request, unless authorized by the Department Head.

Length of service requirements for increased Vacation Leave and for other purposes, as specified in the PRR, shall be based upon the employee's continuous service with the County.

Section 2: Vacation Leave Accruals

Years of Service	Accrual Per Pay Period	Annual Accrual
1 – 5 years	3.385 hours	88 hours
6 – 9 years	4.923 hours	128 hours
10 years	5.230 hours	136 hours
11 years	5.538 hours	144 hours
12 years	5.846 hours	152 hours
13 years	6.153 hours	160 hours
14 years	6.461 hours	168 hours
15 – 19 years	6.769 hours	176 hours
20 – 24 years	7.231 hours	188 hours
25 – 29 years	7.538 hours	196 hours
30 or more years	7.846 hours	204 hours

Section 3: Provisions

- A. Employees serving their Initial Probationary Period shall earn Vacation Leave from their date of employment but cannot take such leave until they complete this probation, unless approved by their Department Head. Temporary, seasonal, emergency, and provisional employees shall not be eligible for Vacation Leave.
- B. Vacation Leave accrual shall be on a continuous basis each pay period where employees have been in an active status. Part-Time employees, in an active status,



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shall accrue Vacation Leave at the "Accrual Per Pay Period" level associated with their years of service (as outlined in Section 2) for every 80 hours worked.

- C. Vacation may be taken in 15 minute intervals (0.25 increments) up to the maximum amount accrued. In order to encourage the use of Vacation Leave, employees may accrue a maximum of 360 hours. Once the maximum is reached, no additional accruals will occur until the balance drops below the maximum.
- D. Exempt employees reaching 120 hours of accrued Vacation Leave may convert up to 80 hours of Vacation Leave into compensation at a 1:1 ratio once per fiscal year.
- E. Employees on a certified Family and Medical Leave of Absence (FMLA) shall continue to accrue Vacation Leave even if they are not in an active status.
- F. Employees are not permitted to receive vacation pay along with other types of pay for the same overlapping time period (i.e., 8 hours of regular pay and 8 hours of vacation pay for the same day).
- G. Employees who are ill during their Vacation Leave will not be permitted to exchange Sick Leave for Vacation Leave, unless substantiated by health care provider documentation or as required by law.
- H. Unused Vacation Leave shall be paid upon separation.

Section 4: Vacation Scheduling

Vacation Leave shall be requested and approved in advance of its use, except in circumstances beyond employees' control. The Department Head shall schedule Vacation Leave in accordance with the department's operating requirements, and insofar as possible, to coincide with employees' requests.

The Department Head has the right to cancel and/or adjust vacation schedules due to unforeseen circumstances based upon the needs of the department. The Department Head will make every effort to reschedule the affected employees' vacation in collaboration with them.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 3: <i>Sick Leave</i>	Pages: 1 of 3

Section 1: Introduction

The purpose of Sick Leave is to provide a benefit to those employees who are unable to attend work due to short-term illness or injury. It may also be used in conjunction with an approved long-term medical leave of absence to provide some measure of income protection for extended illness or disabilities.

For the purposes of this Regulation the following definitions are established:

Sick Leave is defined as absence for a bona fide illness or injury for reasons other than illness or injury arising out of and in the course of employment.

Immediate Family Member is defined as spouse*, children (biological, adopted, foster, legal ward, in loco parentis), parent, or spouse's parents. *Defined per Nebraska Revised Statutes §42-101 through §42-207.

This Regulation should be read in conjunction and coordinated with all applicable Policies, the PRR, and state and federal laws including, but not limited to, the Nebraska Workers' Compensation Act, the American with Disabilities Act (ADA), and the Family and Medical Leave Act (FMLA).

Section 2: Sick Leave Accruals

- A. Full-Time employees will accrue Sick Leave at a rate of 4.00 hours per pay period, or 104 hours per year.
- B. Part-Time employees will accrue Sick Leave at a rate of 4.00 hours for each 80 hours worked, not including overtime hours.
- C. Sick Leave shall not be accrued by temporary, seasonal, emergency, or provisional employees.

Section 3: Provisions

- A. Sick Leave may be used in 15 minute intervals (0.25 increments).
- B. Employees will be entitled to utilize Sick Leave for treatment of drug or alcohol addiction, injury, pregnancy, or sickness which renders employees incapable of performing their job, for medical and dental care, or for exposure to contagious disease under circumstances in which the health of others would be endangered by their attendance at their worksite.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 3: <i>Sick Leave</i>	Pages: 2 of 3

- C. Employees may utilize their Sick Leave in order to keep medical or dental appointments.
- D. Employees may utilize their Sick Leave for the illness of their immediate family members where their attendance is required.
- E. Employees may use 40 hours per fiscal year for immediate family members living outside their home.
- F. Employees must be in an active status, unless on a certified Family and Medical Leave of Absence (FMLA) in order to continue to accrue Sick Leave.
- G. When unable to report to work, employees must notify their Department Head as early as possible, except in an obvious emergency. During absence due to illness, employees must notify their Department Head daily of their progress and expected date of return unless on FMLA.
- H. Sick Leave will be paid only for approved absences and for time when the employee would normally be scheduled for work. In no case shall employees receive pay for hours worked and Sick Leave for the same time period.
- I. Employees not on FMLA using Sick Leave for three (3) consecutive workdays must submit a healthcare provider's certificate in order to receive Sick Leave, unless waived by their Department Head. The cost, if any, of the certificate shall be paid by employees. For a lesser period of absence, the Department Head may require a certificate from a healthcare provider. The certificates shall be transmitted to the Human Resources Department for confidential safekeeping.
- J. Employees who have a surgical procedure, injury, or extended illness are required to present a *Fitness for Duty Form* to the Human Resources Department for processing prior to their return to work. In those instances where restrictions exist, the Department Head will determine whether restrictions can be accommodated.
- K. Sick Leave may be denied when the County has facts showing employees are abusing their Sick Leave. Sick Leave shall not be used for any other purpose than outlined in this Regulation or may be subject to discipline. Refer to *Rule 6: General Terms and Conditions, Regulation 9: Attendance* for additional details.
- L. Once Sick Leave is exhausted, Vacation Leave will be used to continue compensation during a period of illness or injury, as applicable under this Regulation. If Sick Leave and Vacation Leave have been exhausted, employees may be eligible for the Illness Leave Donation Program. Refer to *Rule 12: Types of Leave, Regulation 4: Illness Leave Donation Program* for additional details.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 3: <i>Sick Leave</i>	Pages: 3 of 3

Section 4: Accumulation and Conversion

Non-Exempt Hourly Employees: Up to 960 hours of Sick Leave may be accumulated. Once the maximum is reached, no additional accrual will occur until the balance drops below the maximum. Upon reaching 800 hours, employees may convert up to 160 hours at a 2:1 ratio into Vacation Leave and/or compensation once per fiscal year. For example, 160 hours would convert into 80 hours of Vacation Leave or compensation.

Exempt Employees: Up to 1,040 hours of Sick Leave may be accumulated. Once the maximum is reached, no additional accrual will occur until the balance drops below the maximum. Upon reaching 800 hours, employees may convert up to 240 hours at a 2:1 ratio into Vacation Leave and/or compensation once per fiscal year. For example, 240 hours would convert to 120 hours of Vacation Leave or compensation.

Section 5: Separation of Service

Employees with less than 10 years of service upon retirement, resignation, dismissal (except for cause), or death shall be paid one-fourth ($\frac{1}{4}$) of their accumulated Sick Leave.

Employees with ten (10) or more years of service, upon retirement, resignation, or dismissal (except for cause), or death shall be paid one-half ($\frac{1}{2}$) their accumulated Sick Leave.

Those tenured employees who have been laid off and request to be placed on a Recall List, per *Rule 2: County Employment, Regulation 2: Employment List, Section 10: Recall List* shall not be eligible for the payout of Sick Leave at the time of layoff. However, if not recalled within one (1) year, Sick Leave will be paid in accordance with this Regulation at the pay rate and years of service as of the effective date of the layoff..



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 4: <i>Illness Leave Donation Program</i>	Pages: 1 of 5

Section 1: Introduction

Sarpy County recognizes that there are instances in which employees or their immediate family members may suffer from a serious health condition requiring extensive medical treatment and/or rehabilitation. These serious health conditions may ultimately exhaust employees' paid leave accruals. This Regulation will be administered based upon the "medical" provisions of the Family and Medical Leave Act (FMLA). Family Leave under the provisions of FMLA is not covered by the Illness Leave Donation Program.

The Illness Leave Donation Program provides a means for tenured employees to voluntarily donate accrued paid leave to other tenured employees who are absent from work due to a serious health condition or who may need to care for immediate family members with a serious health condition as permitted in accordance with this Regulation.

Section 2: Definitions

The following definitions are meant to provide clarity to the terms used within this Regulation and are based upon the Family and Medical Leave Act (FMLA):

Covered Employee means a tenured employee who is in an active status, has worked a minimum of 1,250 hours in the last 12 months, and has been employed for at least 12 months (does not have to be consecutively).

Health Care Provider means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person capable of providing health care services as permitted within FMLA.

Immediate Family Member means a parent, spouse, son or daughter (by blood, adoption, or marriage); does not include in-laws, previous family members, or any other family member.

Incapacity is the inability to work or perform other regular daily activities due to the serious health condition, its treatment, or recovery therefrom.

Serious Health Condition means an illness, non-work related injury, impairment, or physical or mental condition that involves inpatient care, continuing treatments or recovery from treatments for a chronic condition that creates incapacity.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 4: <i>Illness Leave Donation Program</i>	Pages: 2 of 5

Section 3: Provisions

In order to be eligible for the Illness Leave Donation Program, covered employees (hereinafter referred to as recipients) must have exhausted all available paid leave including, but not limited to, sick, vacation, compensatory time, administrative leave, and holidays (recognized holidays and floating/personal holidays).

Recipients may receive donated leave *for their own serious health* condition up to the maximum time specified by their health care provider or a maximum of 480 hours, whichever is less. Donated leave combined with accrued leave during a 12-month period cannot exceed 1,040 hours. For example, recipient employees who have used 700 hours of accrued leave would only be eligible for an additional 340 hours of donated leave in a 12-month period.

Recipients may receive donated leave, *to care for immediate family members* who have a serious health condition, up to the maximum time specified by their health care provider or a maximum of 480 hours, whichever is less. Donated leave combined with accrued leave during a 12-month period cannot exceed 480 hours when used to care for immediate family members.

Recipients who receive donated leave shall continue to accrue Vacation and Sick Leave; however, all accrued Sick Leave will be applied prior to the use of donated leave.

Illnesses, which qualify as “serious health conditions” pursuant to FMLA, will be considered eligible for Illness Leave Donation. Recipients unable to work due to their own serious health condition or that of immediate family members are required to submit medical certification to the Human Resources Department. The County reserves the right to require periodic updates. Eligibility under this Regulation ceases when recipients are able to return to work.

Donations may be solicited by recipients and/or on behalf of recipients by their Department Head. Recipients may request to solicit donations anonymously by contacting the Human Resources Department. However, recipients may also provide specific information as to the need for donated leave upon written authorization as provided for under the Health Insurance Portability and Accountability Act (HIPAA). The Department Head or the Human Resources Department may upon recipients’ written request notify department employees or email all County employees that recipients are eligible to receive voluntary donations of accrued Sick and Vacation Leave.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 4: <i>Illness Leave Donation Program</i>	Pages: 3 of 5

Employees are prohibited from releasing any medical information regarding recipients, unless authorized by recipients in writing in accordance with HIPAA.

Once donated leave is approved, an email will be sent to the group specified by recipients to solicit donations. Solicitation periods will be limited to two (2) weeks. All solicitation emails will state that unused donated hours will be credited to the donated leave pool.

The names of employees who donate leave will not be released to any employee outside of those who are responsible for administering this Regulation.

The Illness Leave Donation Program is voluntary and as such employees shall not offer anything of value (even if intended as a gift) nor coerce, compensate, or provide any other form of consideration to any employee in exchange for receiving or approving donated leave.

Employees receiving workers compensation or long-term disability benefits are not eligible to participate in this Program.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by Rule or law. For example, if recipients would have otherwise been a laid-off or dismissed for other reasons, donated leave may not be used to extend employment.

When recipients receive Illness Leave Donation and are absent from work, the County shall be responsible for funding any overtime or temporary staffing necessary for the department to meet its operational needs.

Section 4: Establishment of a Donated Leave Pool

A Donated Leave Pool shall be established as excess hours of donated leave may remain unused by recipient employees. The Donated Leave Pool will be managed by the Human Resources Department in conjunction with the Payroll Division of the County Clerk's Office.

Whenever recipients receive approval for donated leave, available hours within the Pool shall be used before additional donated hours are solicited.

Covered employees may contribute hours to the Donated Leave Pool "at will" as long as they meet the requirements of the "Conditions for Making Leave Donations" outlined in Section 6 of this Regulation.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 4: <i>Illness Leave Donation Program</i>	Pages: 4 of 5

Section 5: Procedures for Requesting Donated Leave

- A. Employees must be considered 'covered employees' at the time they request Illness Leave Donation.
- B. Employees must submit to the Human Resources Department a completed Illness Donation Request Form along with medical certification from their health care provider unless current FMLA medical certification is on file. If an employee is medically incapacitated, an immediate family member may submit this documentation on behalf of the employee.
- C. Employees must currently be approved for FMLA or have exhausted all available FMLA hours.
- D. The Human Resources Director will review the submitted documentation, determine eligibility, and notify recipients and their Department Head of such determination.
- E. There is no assurance made by the County that employees will receive donations due to the voluntary nature of this Regulation.

Section 6: Conditions for Making Leave Donations

- A. Donating employees may donate Vacation and/or Sick Leave hours.
- B. Donations must be made in increments of 8 hours.
- C. Donors must have an accrued leave balance of at least 40 hours sick and/or vacation after donating.
- D. Donors must complete the Illness Donation Form indicating that their donation is voluntary, is intended as a gift, and has been made without coercion, compensation, or other forms of consideration.
- E. Donors will submit their completed forms to the Payroll Division for processing. Donors will receive verification of their donation.
- F. Payroll will notify recipients and their Department Head of the total hours donated for informational and payroll computation purposes.
- G. Donations occur as an employee to employee transfer of hours. The County as an employer does not provide donations to recipients or the Donated Leave Pool.
- H. All hours donated are irrevocably debited from donors at the time of transfer to recipients and/or the Donated Leave Pool.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 4: <i>Illness Leave Donation Program</i>	Pages: 5 of 5

- I. Donors shall not be permitted to donate leave after giving verbal or written notification of retirement, resignation, layoff, or upon receiving written notice of dismissal.
- J. Donors agree to make no future claim upon the County for compensation associated with any hours donated.

Section 7: Calculating Donated Leave

- A. Donated hours shall be converted on a straight hour-for-hour basis regardless of the difference in the donors/recipients pay rates.
- B. Hours shall be donated in eight (8) hour increments; however, they may be used in increments as allowed under the Sick and Vacation Leave Regulations. *Refer to Rule 12: Types of Leave*).
- C. Hours credited shall not exceed recipients' regularly scheduled work hours on a pay-period by pay-period basis.
- D. While receiving donated leave, recipients will not receive on-call, call back, standby, or overtime compensation or compensatory time.
- E. Employees receiving donated leave when added to hours worked will not exceed the employees' normally scheduled hours for that workweek.
- F. Any donated leave not used by recipients will be transferred to the Donated Leave Pool.

Section 8: Violations

Employees are prohibited from threatening or coercing other employees concerning any aspect of this Regulation including, but not limited to, pressuring another employee to donate time or refusal to accept donated leave.

If this activity or similar activity occurs, any donated leave will be forfeited and returned to the donors. Additionally, employees may be subject to disciplinary action, up to and including dismissal.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 5: <i>Bereavement Leave</i>	Pages: 1 of 1

Section 1: Introduction

This Regulation establishes uniform guidelines for providing paid time to employees for absences related to the death of immediate family members.

Section 2: Provisions

Bereavement Leave must be requested prior to being taken whenever possible. It is understood that it may not be possible to obtain prior approval. Employees shall notify the Department Head of the need to take Bereavement Leave and the number of days needed to be absent from work. Bereavement Leave must contain the day of the funeral or memorial service.

Part-time employees will receive Bereavement Leave paid for the hours that they normally would have been scheduled to work.

Bereavement Leave shall be granted to employees in the following manner:

- A. Up to five (5) work days for the death of a spouse, child (related by blood, marriage, or adoption), individual for whom the employee has legal guardianship, parent, or sibling;
- B. Up to four (4) work days for a grandparent, grandchildren, current parent-in-law, current son-in-law, or current daughter-in-law;
- C. One (1) work day for aunts, uncles, nieces, nephews, and current grandparent-in-laws, current sister-in-law, and current brother-in-law. One (1) additional work day may be granted for these relatives at the discretion of the Department Head.
- D. One (1) additional work day shall be granted when travel of more than 300 miles one-way to attend the funeral and/or memorial service for those relatives listed in A or B above.
- E. Approved Vacation Leave or Compensatory Time may be utilized for funerals and planning arrangements of those individuals not specified above.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 6: <i>Jury Duty, Election Duty, and Civil Leave</i>	Pages: 1 of 1

Section 1: Introduction

Employees will be allowed time off for mandatory Jury Duty, Election Duty, and Civil Leave. Civil Leave is defined as appearance pursuant to a lawfully issued subpoena, which could include subpoenaed appearance before the Personnel Policy Board.

Section 2: Provisions

- A. Employees contacted to serve on Jury Duty, Election Duty, or Civil Leave are responsible for notifying their Department Head with the time and duration of such duty.
- B. The Department Head shall notify the Payroll Division of the County Clerk's Office, whenever employees request Jury Duty, Election Duty, or Civil Leave in order to ensure appropriate compensation treatment.
- C. Employees released from duty while their normal work day has not been completed are to report for work.
- D. Employees shall receive their normal compensation while serving Jury Duty, Election Duty, or Civil Leave and will turn over any payment received, other than allowable expenses.
- E. If Jury Duty, Election Duty, or Civil Leave occurs outside an employees' normal work schedule, they are entitled:
 - 1. To compensation received for Jury Duty, Election Duty, or Civil Leave and normal compensation if normal shift is worked, or
 - 2. To receive their normal compensation for their regularly scheduled shift that is missed, they must turn over their payment for Jury Duty, Election Duty, or Civil Leave.
- F. Employees subpoenaed as witnesses by the Personnel Policy Board shall be granted paid leave to attend the Hearing plus any travel time necessary from their worksite to the Hearing location. Once released from their duty if their normal work day has not been completed they are to report for work.
- G. Employees who have not been subpoenaed to attend a Personnel Policy Board Hearing or whose attendance is not part of their duties must use approved Vacation Leave, Compensatory Time, or leave without pay.
- H. Employees who need to conduct personal legal business shall not be compensated under this Regulation. Employees may request vacation leave for such absences.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 7: <i>Military Leave</i>	Pages: 1 of 2

Section 1: Introduction

Employees, other than temporary, seasonal, emergency, or provisional employees, who are members of the National Guard, organized reserves, or any component part of the military including the Air Force, Army, Coast Guard, Marines, Navy, or nurse corps of Nebraska or United States or who are or may be otherwise inducted into their military service shall be eligible for Military Leave as ordered by proper authority.

Employees shall receive the protections afforded to them under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) or other such legislation as may be applicable.

Section 2: Provisions

- A. Employees may be required to provide documentation of military service at the request of the Department Head and/or the Human Resources Department, where permissible by law.
- B. Employees called for military service will complete the Military Leave Request Form and submit to the Human Resources Department prior to the commencement of their Military Leave when practicable.
- C. Employees on Military Leave for a period of active service shall receive their normal rate of pay during the first 30 calendar days.
- D. After the first 30 calendar days of Military Leave, their employment status will be designated as inactive, and all benefits cease except in those instances where employees elect to use accrued Vacation Leave and/or Compensatory Time. In this instance, active status continues until such time as employees exhaust their accrued Vacation Leave and/or Compensatory Time.
- E. In those situations where accrued Vacation Leave and/or Compensatory Time is not sufficient to cover an entire month's insurance premium, arrangements must be made in advance with the Payroll Division of the County Clerk's Office to ensure adequate funds for the month's coverage or it will be cancelled.
- F. Employees upon reaching an inactive status shall be entitled to continue their health insurance benefits as provided for under USERRA and will be issued documents complying with the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- G. Employees may be eligible for other leave rights under the Family and Medical Leave Act (FMLA).



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 7: <i>Military Leave</i>	Pages: 2 of 2

- H. The County may make temporary, provisional, or emergency appointments to fill any vacancy created by such Military Leave.
- I. The County has the right to request that a person who is absent for a period of service of 31 days or more provide documentation showing:
 - 1. The request for reemployment is timely,
 - 2. The employee has not exceeded the five-year service limitation, and
 - 3. The employee's separation from service was other than disqualifying.
- J. Upon return from Military Leave, employees shall be reinstated in accordance with the provisions of USERRA or other such legislation governing reinstatement rights even if they do not provide satisfactory documents because they are not readily available or do not exist per USERRA.
- K. Such employees shall be reinstated, and shall have such length of service, pay rate, and leave accumulator levels as would have occurred had they continued employment during their Military Leave.
- L. Upon re-instatement from Military Leave, all insurance benefits will be restored (unless employees decline) as well as voluntary pension contributions.
- M. The Human Resources Director must approve all reinstatements of employees returning from Military Leave to ensure compliance with the PRR and USERRA.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 8: <i>Family and Medical Leave Procedures</i>	Pages: 1 of 2

Section 1: Introduction

Sarpy County provides Family and Medical Leave in accordance with the Family and Medical Leave Act (FMLA). **For specific details refer to the *Family and Medical Leave Policy Bulletin*.**

The following Provisions apply to eligible employees. These Provisions provide information regarding the applicability of the PRR as they pertain to FMLA or restate portions of the FMLA Policy Bulletin for emphasis.

Section 2: Provisions

- A. When a FMLA qualifying event is anticipated, employees shall give verbal notice to their Department Head as far in advance as possible.
- B. Employees requesting FMLA must complete an *Application for Family and Medical Leave Form* and submit it to the Human Resources Department no later than 30 days prior to the date on which the leave will commence or as soon as practical if leave is immediate or unforeseen. The application must state the reason for the leave and the starting and ending dates, if known.
- C. Upon receipt of the application, the Human Resources Department shall provide employees, their *Notice of Eligibility and Rights and Responsibilities Form* along with the appropriate *Health Care Provider Certification Form* within five (5) business days.
- D. Employees must return to the Human Resources Department certification forms within 15 calendar days of their receipt. If the certification form is not received by the Human Resources Department within the 15 calendar days, FMLA will be denied until certification is provided.
- E. Whenever the Human Resources Department receives enough information to determine that an absence is for a FMLA qualifying reason (i.e., after receiving the completed certification, a doctor's note, notification of an inpatient stay in the hospital), they shall complete and provide to the employee a *Designation Notice Form* within five (5) business days.
- F. The Human Resources Department may contact the health care provider to authenticate or clarify the certification of a serious health condition. Under no circumstance shall the employee's direct supervisor have contact with the health care provider as stipulated by FMLA.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 8: <i>Family and Medical Leave Procedures</i>	Pages: 2 of 2

- G. Employees on qualified FMLA shall be required to substitute accrued paid leave in the following order: Sick Leave, Vacation Leave, and then Compensatory Time and such leave shall be used and paid in accordance with *Rule 12: Types of Leave*.
- H. Employees who exhaust all accrued paid leaves shall be unpaid for the remaining period of their FMLA.
- I. Employees may apply for Donated Leave as outlined in *Rule 12: Types of Leave, Regulation 4: Illness Leave Donation Program*. Donated leave will run concurrently with approved FMLA.
- J. A request for FMLA is subject to the approval of the Human Resources Director. Approval is based upon compliance with the FMLA and its regulations.
- K. Upon return from leave for a personal serious health condition, employees must present a *Fitness for Duty to Return Form* from their health care provider. Their return to work will be delayed until such certificate is submitted.
- L. Employees who return to work within their 12 weeks of FMLA will be reinstated to their former position or an equivalent position, as stipulated by FMLA.
- M. Employees failing to report to work following FMLA shall be subject to *Rule 6: General Terms and Conditions, Regulation 9: Attendance* and may be considered to have resigned.
- N. If at the expiration of FMLA, an employee is unable to perform the essential functions of the job due to his/her own serious health condition, reasonable accommodations may be made in accordance with the Americans with Disabilities Act (ADA), if applicable.
- O. All documentation related to an employee's, family member's, or covered servicemember's medical condition will be held in strict confidence and maintained in the employee's medical records file in the Human Resources Department.
- P. If employees request and are denied FMLA, employees may contact the Human Resources Director for clarification as to the denial or to obtain information on their rights and responsibilities under the FMLA.

Section 3: Prohibited Acts

It is unlawful for the County to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by FMLA. It is also unlawful for the County to discriminate or retaliate against employees for opposing any employment practice thought to be unlawful under FMLA, or for participating in any investigation or proceeding relating to any right provided under the FMLA.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 9: <i>Special Leaves</i>	Pages: 1 of 2

Section 1: Introduction

The Regulation communicates provisions for the extension of Special Leaves to tenured employees.

Section 2: Emergency Leave

In the event an emergency as declared by the County Board through proclamation or resolution (such as inclement weather) where an employee is instructed not to report for work, employees shall be paid in accordance with such proclamation or resolution. Provisions may be made whereby attendance of essential or necessary employees is required. Those employees whose attendance is required shall receive both Emergency Leave and compensating pay or compensatory time for hours worked.

Section 3: Unpaid Leave

In extraordinary circumstances, Unpaid Leave may be granted by the Department Head under the following conditions:

- A. Employees may apply for a leave of absence for personal or non-FMLA medical reasons of not more than 30 calendar days.
- B. All applicable Holiday, accrued paid leave, and/or Compensatory Time shall be exhausted.
- C. Requests must be made as far in advance as practicable, prepared in writing, and presented to the Department Head prior to the commencement of the Unpaid Leave.
- D. In those instances involving non-FMLA Leave, employees shall submit medical documentation which indicates the reason for the Unpaid Leave and the length of time expected to be absent. If there is reason to doubt the validity of the request, employees may sign a Health Insurance Portability and Accountability Act (HIPAA) Release Form in an effort to continue the approval process. This form permits the Human Resources Department to contact the health care provider for additional details.
- E. Leave shall be granted to those employees who have shown by their record of service or by other evidence to be of value to the County and whose service is desirable to retain.
- F. Leave will not be granted to allow employees to take a job with another employer or to venture into business for themselves.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 9: <i>Special Leaves</i>	Pages: 2 of 2

- G. If Unpaid Leave is approved, the employment status will be designated as inactive.
- H. Employees returning from a non-FMLA medical leave will be required to present a release to return to work note prepared by their health care provider. Refer to *Rule 12: Types of Leave, Regulation 3: Sick Leave* for guidance.
- I. Failure on the part of an employee on Unpaid Leave to report promptly upon its expiration, without good cause, shall be considered to have resigned.
- J. The County will attempt to hold the job open during an Unpaid Leave. However, the County retains the right to fill the job should it become necessary. This determination is made at the discretion of the Department.
- K. If it is decided that the job needs to be filled, the Department Head shall notify the employee in writing and provide the employee an opportunity to return early.
- L. Employees shall not accrue Sick or Vacation Leave nor shall they be paid for any Holidays.
- M. Upon return, employees' pay rate will be that of the step occupied at the time the Unpaid Leave commenced.

Section 4: Acceptance of an Appointment in the Unclassified Service

- A. A leave of absence without pay shall be granted to employees who accept appointment to a job in the unclassified service. Once in the unclassified service, employees shall not receive the benefits and/or rights of the classified service.
- B. An *Employee Action Form* shall be completed by the Human Resources Department identifying all changes in status.
- C. Employees shall be returned to a comparable position to that formerly held in the classified service at any time and will have their pay rate established in accordance with *Rule 11: Compensation Plan, Regulation 1: Administration, Section 4*.



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 10: <i>Professional Leave</i>	Pages: 1 of 1

Section 1: Introduction

Because exempt employees may be required to periodically work long or irregular hours to complete their work without compensation, attend various meetings, and participate in business-related functions outside normal business hours, Professional Leave may be granted.

Section 2: Provisions

- A. Exempt employees shall be eligible to receive three (3) days of Professional Leave.
- B. Leave will be for a calendar year only and cannot be accumulated or carried over to a subsequent year.
- C. Leave is completely discretionary upon approval of the Department Head.
- D. Use of Leave must be documented as such for payroll purposes.
- E. Leave is not an entitlement nor is it subject to accrual or payment for unused leave.



PERSONNEL RULES AND REGULATIONS

RULE 13: <i>Separation from County Service</i>	APPROVED: REVISED:
REGULATION 1: <i>Types of Separation</i>	Pages: 1 of 3

Section 1: Introduction

While it is the hope of the County that employment will be a long and mutually beneficial relationship, there are circumstances that arise and result in an employee's separation from County service.

Section 2: Resignation

- A. Employees who desire to terminate their employment must submit a written resignation to the Department Head. Employees can elect to use the Letter of Resignation Form or provide their own document.
- B. Resignation notice must be submitted at least 14 calendar days including the final work day. Employees desiring to rescind their resignation must notify their Department Head in writing prior to its effective date. The Department Head has discretion as to whether they choose to accept the rescinding of a resignation.
- C. The written resignation shall be transmitted to the Human Resources Department along with a completed Employee Action Form within five (5) calendar days of its receipt. The resignation shall be effective at the close of the date indicated on the Letter of Resignation Form or upon completion of any approved leave.
- D. Employees will be asked to complete an Exit Interview Questionnaire. The questionnaire provides an opportunity for employees to express their insight regarding a variety of topics as well as any issue they would like recognized.
- E. Employees will be asked to participate in an exit interview with the Human Resources Department prior to the resignation date.
- F. The Human Resources Director may make such investigation as warranted for the purpose of verifying reasons for resignation.
- G. All documents associated with the resignation will be placed in the employee's civil service personnel file.
- H. Employees who fail to provide adequate notice of resignation shall be deemed to have quit or abandoned their job.

Section 3: Disability or Impairment

Employees may be separated from employment when for reasons of their disability they cannot perform the essential functions of their job, with or without accommodations because of physical or mental impairment, and pursuant to the Americans with



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Disabilities Act. The Human Resources Director or Department Head may at any time require employees to be examined by a qualified medical professional for the purpose of determining their ability to perform the essential functions of their job. Such examination shall be conducted by a licensed health care provider selected by the County and will be paid by the County.

Section 4: Retirement

Retirement shall be as provided by the Nebraska Public Employee Retirement System. Employees retirement date shall be the date specified in writing by them. Employees will be eligible for retirement upon attaining age 55.

- A. Employees who desire to retire must submit a Notice of Retirement to their Department Head.
- B. Retirement notice must be submitted at least 14 calendar days including the final work day. Employees desiring to rescind their retirement must notify their Department Head in writing prior to its effective date. The Department Head has discretion as to whether they choose to accept the rescinding of a retirement.
- C. The Notice of Retirement shall be transmitted to the Human Resources Department along with a completed Employee Action Form within five (5) calendar days of its receipt.
- D. Employees will be asked to complete an Exit Interview Questionnaire. The questionnaire provides an opportunity for employees to express their insight regarding a variety of topics as well as any issue they would like recognized.
- E. All documents associated with the retirement will be placed in the employee's civil service personnel file.

Section 5: Layoff

- A. A Department Head may layoff tenured employees whenever it is deemed necessary by reason of shortage of funds, shortage of work, abolishment of the job, or other material change in duties or organization. They shall be notified at least 15 calendar days prior to the effective date and shall be given written notice as to the reason(s) for layoff. Within 15 calendar days of their layoff date, they may appeal, in writing to the Human Resources Director, for a Hearing before the Personnel Policy Board.



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- B. The Human Resources Director shall establish a uniform procedure for layoffs. Tenured employees shall not be laid off while there are probationary, temporary, seasonal, emergency, or provisional employees.
- C. Employees who have been laid off may request that their name be placed on a recall list for the job from which the layoff occurred, provided the request is in writing to the Human Resources Director and received within 30 days of the layoff. Eligibility to remain on the recall list shall expire one (1) year from the effective date of the layoff, per *Rule 2: County Employment, Regulation 2: Employment List, Section 10: Recall List*.
- D. Recalled employees shall have their service time computed back to their original date of employment minus the time not employed.
- E. Employees on a recall list and later recalled within one (1) year shall have available upon their return such leave accumulator levels as existed at the time of their layoff.
- F. If a laid off employee is re-employed more than one (1) year following the layoff, a new date of employment shall be established.

Section 6: Dismissal

- A. Tenured employees may be dismissed by their Department Head for cause. In these instances, they shall receive a Loudermill Notice and have an opportunity to attend or submit documentation to be reviewed at the Loudermill Hearing. Refer to *Rule 7: Progressive Discipline, Regulation 1: General Provisions, Section 4: Loudermill Hearing Process* for further information.
- B. Tenured employees who are dismissed may appeal, in writing, to the Personnel Policy Board within 15 calendar days of the dismissal. Refer to *Rule 8: Complaint, Grievance, and Appeal Procedures, Regulation 3: Appeal Procedure* for further information.

Section 7: Return of County Property

Employees are required to return all County property prior to their last day of employment. Property includes, but is not limited to, keys, keycards, cell phones, laptops, tablets, uniforms, etc. The County reserves the right to recover any excess payments, equipment costs, monies owed, etc., from their final paycheck or by any other legal means.



PERSONNEL RULES AND REGULATIONS

RULE 14: <i>Records and Reports</i>	APPROVED: REVISED:
REGULATION 1: <i>Certification of Payroll</i>	Pages: 1 of 1

Pursuant to Nebraska Revised Statute § 23-2526, prior to the payment of any salary, wage, or other compensation for work performance, the Human Resources Director shall certify that each person named on the payroll has been employed in accordance with the appointment and classification system of the PRR and that the salary rates for all positions are authorized by the compensation plan.

Furthermore, the Human Resources Director may, for proper cause, withhold certification from a payroll any specific item(s). The Human Resources Director shall provide certification of payroll annually, and that such certification shall remain in effect unless a status change occurs. When status changes occur, the Human Resources Director shall recertify the payroll prior to any payment of wages with respect to appointment, classification, and compensation.



PERSONNEL RULES AND REGULATIONS

RULE 14: <i>Records and Reports</i>	APPROVED: REVISED:
REGULATION 2: <i>Official Roster</i>	Pages: 1 of 1

Pursuant to Nebraska Revised Statute §23-2524, it shall be the duty of the Human Resources Director to establish and maintain a record of all employees showing each employee's name, address, job title, pay rate, status, and other pertinent data.



PERSONNEL RULES AND REGULATIONS

RULE 14: <i>Records and Reports</i>	APPROVED: REVISED:
REGULATION 3: <i>Human Resources Records</i>	Pages: 1 of 2

Section 1: Introduction

The Human Resources Department shall be the record-keeper of all civil service and employment records, not of a payroll nature, for the classified service. Department Heads may maintain administrative personnel files in their own offices, however all official (original) records shall be transmitted to the Human Resources Department for safekeeping.

Any private health information, such as FMLA or doctor's notes, shall be kept separate from the civil service file in a confidential medical file in the Human Resources Department.

Civil service or employment records include, but are not limited to, applications, examinations/tests, interview notes, background checks, performance evaluations, disciplinary documents, grievance forms, benefit documents, or any other document, paper or electronic, essential to the operation of the Human Resources Department and necessary to protect the rights and interests of employees and applicants.

The County Clerk's Office, Payroll Division, shall maintain records related to payroll including, but not limited to, deduction authorization, tax withholding forms, timecards, and other payroll-related documents.

All employee records received and maintained in the Human Resources Department shall be considered confidential, except as otherwise provided for in the PRR or by law.

Section 2: Accessibility to Records

- A. Personnel records are the property of the County and information will not be removed, destroyed, or transferred from an employee's civil service personnel file by any person except as provided by the PRR, collective bargaining agreements, or applicable statute or law.
- B. Members of the Human Resources staff have access to all classified service records. No records will be removed from the office without permission of the Human Resources Director.
- C. Department Heads shall have access to personnel files of their employees. They may authorize their management staff to review their employees' personnel files upon written request.



PERSONNEL RULES AND REGULATIONS

RULE 14: <i>Records and Reports</i>	APPROVED: REVISED:
REGULATION 3: <i>Human Resources Records</i>	Pages: 2 of 2

- D. Department Heads shall have access to performance-related documents for those employees posting for a job in their department.
- E. Employees may inspect their official civil service personnel file during work hours. Employees are allowed to make copies of the information contained in their personnel file. Separated employees may request to view their civil service personnel file. Such review will be permitted within the time parameters as required by law, and copies will be subject to reasonable copy fees.
- F. The Human Resources Department may require the issuance of a subpoena for third parties to obtain access to personnel files unless otherwise authorized by law.
- G. Authorized federal, state, and local agents conducting investigations will be granted access to necessary personnel records upon presentation of proper identification and approval of the Human Resources Director.
- H. Attorneys representing employees may be granted access to their personnel file upon the employee's written release and approval of the Human Resources Director.
- I. Employees must provide written permission for any other person or persons to gain access to their confidential personnel records.

Section 3: Retention of Records

Records shall be retained for the length of time as specified by state and federal statutes/regulations. The Director of Human Resources shall establish retention schedules for Civil Service and Human Resources department records not subject to state and/or federal statutes.

Section 4: Release of Information

Applicant information may be released in accordance with provisions of Nebraska Statute §84-712. Other information being requested by interested parties shall be subject to review and may be released upon consultation with the County Attorney's Office. However, in no instance will information be released pertaining to social security number, home address, home phone number, cell phone number, emergency contact information, and date of birth unless specifically required by law.



PERSONNEL RULES AND REGULATIONS

RULE 14: <i>Records and Reports</i>	APPROVED: REVISED:
REGULATION 4: <i>Employee Reference Checks</i>	Pages: 1 of 1

Section 1: Introduction

In the event a reference check is received by a prospective employer or other external source seeking to verify employment information, the Human Resources Department shall only provide dates of employment, job title, and employment type unless a written authorization is provided by the employee/separated employee.

If a written authorization is received, the following provisions shall apply.

Section 2: Inquiry and Disclosure

Pursuant to Nebraska Revised Statute Section §48-201, Sarpy County may disclose the following information about a current or former employee upon receipt of written consent from the current or former employee:

- A. Pay rate and wage history;
- B. Job description and/or duties;
- C. The most recent written performance evaluation prepared prior to the date of the request and provided to the employee during the course of his/her employment;
- D. Attendance information;
- E. Results of drug and/or alcohol tests administered within the past year prior or as required for those holding CDL licensure;
- F. Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at or toward another employee;
- G. Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and
- H. Whether the employee is eligible for rehire.

Section 3: Good Faith Provision

The County disclosing such information shall be presumed to be acting in good faith and shall be immune from civil liability for the disclosure or any consequences of such disclosure unless the presumption of good faith is rebutted upon a showing by a preponderance of the evidence that the information disclosed by the County was false, and the County had knowledge of its falsity or acted with malice or reckless disregard for the truth.



PERSONNEL RULES AND REGULATIONS

RULE 15: <i>Fringe Benefits</i>	APPROVED: REVISED:
REGULATION 1: <i>Educational Reimbursement</i>	Pages: 1 of 3

Section 1: Introduction

The purpose of this Regulation is to foster a learning environment and provide educational opportunities that are mutually beneficial to the employees and the County and will encourage eligible employees to participate in education programs which will further their skills and knowledge for use in their current position or for use in a possible future position of greater responsibility.

The Educational Reimbursement Program shall be a plan as provided for in Section 127 of the Internal Revenue Code of 1986, as amended (the "Code") and shall be construed consistently with the requirements of Section 127. Amounts paid for tuition reimbursement meeting the requirements of Section 127 of the IRS Tax Code are not included in an Employee's income or subject to income tax withholding up to a maximum of \$5,250 annually. If subsequent tax law changes fail to continue the tax-free treatment, or in any way modify its treatment, appropriate adjustments in tax withholding will be made from the effective date of the change.

This Regulation does not apply to training seminars, conferences, workshops, etc.

Section 2: Provisions

A. Eligibility:

1. Employees must be a full-time tenured employee as of the date the course begins.
2. Employees must be actively working for the County as of the date the course is completed.
3. The course schedule and study time must not be in conflict with the Employee work schedule.
4. Employees must take the course at one of the following types of accredited institutions:
 - Technical Institutes (trade schools)
 - Colleges or Universities
 - On-line courses

The County reserves the right in the sole discretion of the Board of Commissioners to exclude any school or subject from eligibility under the Program. Any exclusion shall be effective as to courses beginning after the date the exclusion is imposed.



PERSONNEL RULES AND REGULATIONS

RULE 15: <i>Fringe Benefits</i>	APPROVED: REVISED:
REGULATION 1: <i>Educational Reimbursement</i>	Pages: 2 of 3

5. For employees taking graduate level courses, the course for which reimbursement is sought must be on leading to a graduate degree in a course of study in which the Employee is enrolled.

B. Reimbursement Terms

The County will reimburse employees as follows:

1. Up to 90% of the cost of tuition, required books, and class-associated fees for:
 - Approved technical or undergraduate level courses up to a maximum of \$2,000 per fiscal year, or
 - Approved graduate level courses up to a maximum of \$2,500 per fiscal year.
2. Supplies and other fees and charges will not be reimbursed.
3. Employees shall be entitled to reimbursement if they have complied with all provisions of this Regulation and receive a letter grade of A, B, or C.
4. Only tuition, required books, and class-associated fees actually incurred by employees are eligible for reimbursement. For example, funds received through grants, scholarships, or other waivers for these expenses will not be eligible for reimbursement.

C. Application and Reimbursement Procedures

1. Before enrollment in a course, employees must submit to their Department Head a completed *Education Reimbursement Application*.
2. The completed and authorized application needs to be transmitted to the Human Resources Department for processing and determination if the application satisfies the eligibility criteria.
 - If the application is denied, the Human Resources Department shall notify the applicant in writing as to the reasons.
 - If the application is approved, the Human Resources Department will return the application form to the employee indicating approval. This application must be retained by employees and resubmitted to receive reimbursement.
3. To receive reimbursement, employees must submit within 60 calendar days of the course completion date to the Human Resources Department their:
 - Grades,
 - Proof of payment of tuition and course-related fees,
 - Receipts for required books, and
 - The application.
4. Employees who voluntarily separate service or are dismissed within 12 months after receiving reimbursement, shall repay the County for reimbursements



PERSONNEL RULES AND REGULATIONS

RULE 15: <i>Fringe Benefits</i>	APPROVED: REVISED:
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received in the prior 12 months. By accepting the reimbursement under this Regulation, employees authorize the deduction of reimbursements, which must be repaid from their final paycheck. If repayment is not fully paid from their final paycheck, employees shall immediately pay the County the remaining reimbursement.

5. Portions of reimbursement that exceed the fiscal year maximum cannot be carried over to the subsequent fiscal year.