

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code relating
 2 to the City’s Personnel System by amending Sections 2.76.155, 2.76.160, and 2.76.395 to delete
 3 references and provisions relating to pay ranges prefixed by the letter “M”; amending Section
 4 2.76.400 to add leave of absence without pay provisions relating to a regular, classified employee
 5 who leaves his or her position to accept appointment to a position with a pay range prefixed by
 6 “DSS” and the status of that employee should he or she return to the classified service; and repealing
 7 Sections 2.76.155, 2.76.160, 2.76.395, and 2.76.400 of the Lincoln Municipal Code as hitherto
 8 existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 2.76.155 of the Lincoln Municipal Code be amended to read
 11 as follows:

12 **2.76.155 Compensation Plan; Longevity Pay.**

13 (a) Employees with a pay range prefixed by the letter "E" ~~or "M"~~ shall annually receive
 14 longevity pay based upon the total length of service with the city. Such pay shall be effective
 15 beginning with the first full pay period following completion of the specified years of service.
 16 Payment shall be made on a prorated basis on each regular payday. The longevity schedule shall be
 17 as follows:

<u>Completed Years of Service</u>	<u>Annual Pay</u>
19 5 years	\$ 266.00
20 10 years	\$ 464.00
21 15 years	\$ 734.00
22 20 years	\$ 927.00
23 25 years	\$1,191.00

1 Employees with a pay range prefixed by the letter "E" ~~or "M"~~, hired August 29, 1991
2 or after, shall annually receive longevity pay based upon total continuous length of service with the
3 city. For the purpose of longevity pay, any employee who terminates employment and who is later
4 reemployed shall be treated as a new employee.

5 (b) Employees with a pay range prefixed by the letter "X" or "N" shall annually receive
6 longevity pay based upon the total length of service with the city. Such pay shall be effective
7 beginning with the first full pay period following completion of the specified years of service.
8 Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range
9 prefixed by "X" or "N" who are scheduled to work less than forty but at least twenty hours per week
10 shall receive longevity pay based on the number of hours worked each pay period The longevity
11 schedule shall be as follows:

<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 years	\$ 215.00
10 years	\$ 405.00
15 years	\$ 612.00
20 years	\$ 816.00
25 years	\$1,002.00

18 Employees with a pay range prefixed by the letter "X" or "N", hired August 29, 1991
19 or after, shall annually receive longevity pay based upon total continuous length of service with the
20 city. For the purpose of longevity pay, any employee who terminates employment and who is later
21 reemployed shall be treated as a new employee.

22 Section 2. That Section 2.76.160 of the Lincoln Municipal Code be amended to read
23 as follows:

1 **2.76.160 Compensation Plan; Variable Merit Pay Plan.**

2 Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the com-
3 pensation plan for employees in classifications with pay ranges prefixed by the letters "A", "C", and
4 "E", ~~and "M"~~ shall provide for the awarding of merit increases within established pay ranges based
5 upon the employee's level of performance and shall be entitled "the variable merit pay plan." The
6 specific method of implementing and administering this plan shall be set out in an executive order
7 of the Mayor which shall, among other things, provide for:

8 (a) Variable merit increases of between zero and six percent. Merit increases shall be
9 effective beginning the first full pay period following the established eligibility date;

10 (b) A four and one-half percent increase upon successful completion of the original
11 probationary period;

12 (c) Temporary exceptional service awards not to exceed four percent of the employee's
13 current annualized salary to be paid in two, four, or six pay periods;

14 Such increases shall be paid only on recommendation of the department head
15 supported by a convincing showing in writing of exceptional service or unusual circumstances as
16 related to specific criteria to be recommended by each department and approved by the Personnel
17 Director.

18 The Personnel Director shall annually send a written report to the Mayor listing
19 employees approved for exceptional service pay increases.

20 (d) The Personnel Director, with the approval of the Mayor, may grant permanent salary
21 increases within an employee's pay range that are consistent with the spirit and purpose of the merit
22 system provisions of the City Charter if a department head presents written evidence of unusual
23 circumstances. The effective date of any increase granted in accordance with this subsection shall

1 be used to establish a new eligibility date, which shall be one year from the effective date of such
2 increase. This subsection applies only to pay ranges prefixed by "E" or "M".

3 (e) The eligibility date for evaluating performance of employees will be determined by
4 completion of the original probationary period, and the effective date of promotion, demotion,
5 reallocation, or layoff;

6 ~~Employees in pay ranges prefixed by the letter "M" may have their eligibility dates~~
7 ~~adjusted when necessary or appropriate for proper operation of any goal-oriented employee~~
8 ~~evaluation program implemented by any department. The department head shall forward a written~~
9 ~~request for such an adjustment to the Personnel Director who may, at his discretion, approve the~~
10 ~~request. The eligibility date of an employee shall not be adjusted under this subsection more often~~
11 ~~than once in any twelve-month period;~~

12 (f) Establishment of a committee to review and approve all merit increases in excess of
13 five percent.

14 Section 3. That Section 2.76.395 of the Lincoln Municipal Code be amended to read
15 as follows:

16 **2.76.395 Vacation Leave with Pay.**

17 (a) Amount. Each employee with a pay range prefixed by "E" shall earn vacation leave
18 credit annually as follows:

- 19 After original appointment -- at the factored hourly equivalent of 88 hours per year
- 20 After five years of service -- at the factored hourly equivalent of 112 hours per year
- 21 After seven years and six months of service -- at the factored hourly equivalent of
- 22 120 hours per year.
- 23 After ten years of service -- at the factored hourly equivalent of 128 hours per year.
- 24 After twelve years and six months of service -- at the factored hourly equivalent of
- 25 136 hours per year.
- 26 After fifteen years of service -- at the factored hourly equivalent of 160 hours per
- 27 year.

1 After twenty years of service -- at the factored hourly equivalent of 184 hours per
2 year.

3 After twenty-five years of service -- at the factored hourly equivalent of 192 hours
4 per year.

5 ~~Each employee with a pay range prefixed by "M" shall earn vacation leave credit annually
6 as follows:~~

7 ~~After original appointment -- at the factored hourly equivalent of 120 hours per year,
8 or 180 hours per year for those employees who work a fifty-six hour work
9 week.~~

10 ~~After five years of service -- at the factored hourly equivalent of 160 hours per year,
11 or 240 hours per year for those employees who work a fifty-six hour work
12 week~~

13 ~~After twenty years of service -- at the factored hourly equivalent of 200 hours per
14 year, or 300 hours per year for those employees who work a fifty-six hour
15 work week.~~

16 Each employee with a pay range prefixed by "N" or "X" shall earn vacation leave credit
17 annually as follows:

18 After original appointment -- at the factored hourly equivalent of 80 hours per year.

19 After five years of service -- at the factored hourly equivalent of 112 hours per year.

20 After ten years of service -- at the factored hourly equivalent of 128 hours per year.

21 After fifteen years of service -- at the factored hourly equivalent of 160 hours per
22 year.

23 After twenty years of service -- at the factored hourly equivalent of 176 hours per
24 year.

25 After twenty-five years of service -- at the factored hourly equivalent of 184 hours
26 per year.

27 The department head may require that vacation leave be taken not less than one day at a time.

28 Vacation leave credit shall not accrue during a leave of absence without pay.

29 (b) Vacation leave shall not be granted during the first six months of employment ~~with~~
30 ~~the exception of employees with a pay range prefixed by "M"~~. Each department head shall keep
31 records on vacation leave credit and use and shall schedule vacation leave with particular regard to
32 the seniority of employees, to accord with operating requirements, and insofar as possible, with
33 requests of employees.

1 (c) Accumulated leave. An employee may accumulate vacation leave to a maximum of
2 forty hours over and above the employee's maximum annual earning rate ~~or sixty hours over and~~
3 ~~above the employee's maximum annual earning rate for an employee with a pay range prefixed by~~
4 ~~"M" who works a fifty-six hour work week.~~

5 (d) Vacation payout. Any employee who separates from the city service shall be
6 compensated for vacation leave accrued and accumulated to the date of separation. The vacation
7 payout shall occur with the paycheck immediately following separation. In the event the separation
8 is the result of retirement, as defined by the applicable retirement plan, an employee may elect to
9 utilize vacation until all accrued vacation has been exhausted.

10 (e) Waiving vacation. For the purpose of maintaining necessary personnel on duty to
11 accomplish city work, a department head, with approval of the Mayor, may waive accumulated
12 vacation leave in excess of eighty hours ~~(120 hours for an employee with a pay range prefixed by~~
13 ~~"M" who works a fifty-six hour work week).~~ Waived vacation will be paid to the employee at the
14 employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the
15 department's budget for salaries.

16 (f) Vacation bank payout. For employees maintaining a vacation bank, excluding ranges
17 prefixed by "B" or "F", the employee may request to sell all or part of their bank at the first full pay
18 period in July each year. Such request for payment shall be made in writing and approved by the
19 employee's department head and the Mayor, provided there are sufficient funds in the department's
20 budget for salaries. Payment for requested hours will be paid at the employee's usual rate of pay
21 as of the last January 1.

22 Section 4. That Section 2.76.400 of the Lincoln Municipal Code be amended to read
23 as follows:

1 **2.76.400 Leaves of Absence Without Pay.**

2 (a) Leave of absence without pay may be granted to employees, except temporary or
3 seasonal employees, for a period not to exceed three months by a department head, except that for
4 leaves in excess of thirty calendar days, the approval of the director must also be obtained. Leaves
5 of absence without pay shall not be granted until all applicable leave balances have been exhausted,
6 with the exception of leaves for military, travel, or study.

7 A department head, with the approval of the director, may grant such employee leave
8 of absence without pay for a period not to exceed one year for travel or study. Such leave shall be
9 granted only when it will not result in undue prejudice to the interests of the city as an employer be-
10 yond any benefits to be realized. No leave without pay shall be granted except upon written request
11 of the employee. No such leave shall be granted primarily in the interests of the employee except
12 in the case of one who has shown by record of service or by other evidence to be of more than
13 average value to the city and whose service it is desirable to retain even at such sacrifice. Failure
14 on the part of an employee on leave to report promptly at its expiration, without good cause, shall
15 be considered as a resignation.

16 (b) A regular, classified employee who left or who leaves his or her position to accept
17 appointment to a position with a pay range prefixed by "DSS" shall be granted a leave without pay
18 from the classified position and shall be paid pursuant to the provisions of Chapter 2.78. At any time
19 upon terminating the appointed position, the employee shall be allowed to return to the same or a
20 comparable position to that which was previously held in the classified service, provided the
21 employee has not been subject to discipline for cause pursuant to Section 2.76.445. The employee
22 shall normally be paid at the rate of pay received prior to the leave of absence, as adjusted by any
23 annual increases.

1 Section 5. That Sections 2.76.155, 2.76.160, 2.76.395, and 2.76.400 of the Lincoln
2 Municipal Code as hitherto existing be and the same is hereby repealed.

3 Section 6. That this ordinance shall take effect and be in force from and after its
4 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:
_____ Mayor