

**PERSONNEL, LEGISLATIVE AND PUBLIC AFFAIRS  
SUBCOMMITTEE MEETING  
May 6, 2008  
6:35 p.m.  
(Immediately following the Ad Hoc Subcommittee Meeting)**

**AGENDA**

**Personnel, Legislative and Public Affairs Subcommittee:**

John Schwope, Chairperson  
Fred Conley, Vice Chairperson  
Dick Connealy  
Rick Kolowski  
Rich Tesar

Alternate Members: Tim Fowler  
David Klug

Staff Liaison: Emmett Egr  
Christine Jacobsen

1. Meeting Called to Order –Chairperson Schwope
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure –  
Chairperson Schwope
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Revisions to P-MRNRD Affirmative Action Plan –  
Pat Teer
7. Review and Recommendation on Amendment to District Sick Leave Policy - John Winkler,  
Pat Teer, Dick Sklenar and Jack Lawless
8. Review and Recommendation on Addition of Workplace Violence Policy to Employee  
Manual – John Winkler
9. Adjourn

## MEMORANDUM:

TO: PERSONNEL, LEGISLATIVE AND PUBLIC AFFAIRS SUBCOMMITTEE

SUBJECT: Affirmative Action Report

DATE: April 29, 2008

FROM: Pat Teer, Administrative Coordinator

A copy of the updated P-MRNRD Affirmative Action Plan is attached. The changes are housekeeping in nature, i.e., date changes and an update of labor force statistics (see page 7). A copy of the spreadsheet used to compute workforce data is also attached. The base data for the labor workforce statistics is compiled by the Nebraska Department of Labor - Labor Market Information Center.

The following actions have been taken regarding the implementation of the P-MRNRD Affirmative Action Plan during Calendar Year 2007:

1. Plan was updated and revisions approved by the Board of Directors at their May 10, 2007, meeting.
2. Affirmative Action Plan has been incorporated into the P-MRNRD Employee's Handbook and is posted to the District website.
3. Updated plan and EEO Statement was e-mailed to District employees on June 6, 2007.
4. Equal Employment Opportunity Statement was distributed on June 6, 2007, to all District field offices to be posted.
5. District Job Application form was reviewed by Randy Stevenson, Baird Holm LLP. He suggested that on the header of the form we state, "An Equal Opportunity/ Affirmative Action Employer". He also suggested that we include the question, "Are you at least 18 years old? \_\_\_ Yes \_\_\_ No." These two suggestions have been incorporated into the application form. A copy is attached.
6. Continued use and update of list of agencies and organizations to contact when openings occur. See attached list.
7. Continued use of Affirmation Action Plan Application Information Form to obtain information from applicants for affirmative action purposes. This form is filled out by applicants on a voluntary basis. See attached.
8. The following personnel actions occurred during Calendar Year 2007:
  - As a result of the transfer of Walnut Creek Recreation Area to the City of Papillion on October 1, 2007, **Ryan Trapp**, formerly Lead Groundskeeper at Walnut Creek, accepted a lateral transfer to Medium Equipment Operator (SG-6) at the O&M Headquarters. The transfer was effective October 2, 2007.

- **Stormwater Management Engineer (SG-14)** – Position notice was sent to District employees on May 30, 2007. There were no employees qualified for the position. The position was advertised in the Lincoln Journal Star, Des Moines and Omaha World Herald and the position was posted on Careerlink.com during the week of June 10 and 17, 2007. After review of the applications received, **Amanda Grint** was hired as the District’s Stormwater Engineer. Her first day of employment was November 5, 2007.
- **Water Supply Operator (SG-6)** - This was a new position established to assist with the operation and maintenance of Washington County Rural Water Systems 1 and 2 and located at the Blair Field Office. Position notice was sent to District employees on November 14, 2007. **Adam Weimer** was selected to fill the position. Adam previously served as the District’s Surveyor. During December, 2007, Adam trained for his new position and helped to train the new surveyor. He officially assumed his new duties on January 7, 2008.
- **Engineering Aide/Surveyor-Instrument Person (SG-6)** Position notice was sent to District employees on November 29, 2007. **Justin Novak** was hired and started his full-time position on December 10, 2007. Justin previously served as the temporary Groundskeeper at Chalco Hills Rec Area.

**RECOMMENDATION** –*It is Management’s recommendation that the PLPA Subcommittee recommend to the Board the proposed revisions to the P-MRNRD Affirmative Action Plan be adopted.*

# MEMORANDUM

TO: Personnel, Legislative and Public Affairs

SUBJECT: Amendment to Sick Leave Policy

DATE: April 21, 2008

FROM: John Winkler, Pat Teer, Dick Sklenar, & Jack Lawless

For several years employees have inquired about the possibility of compensation for unused sick leave, especially at voluntary resignation or at retirement. In January, 2006, the former General Manager appointed a committee of 10 staff members to discuss the issue and acquire information from other governmental entities. The investigation (attached) revealed that many governmental entities, especially in the metro area, do provide some compensation, and most of those have a buy-back in the 25-50% range.

The Employee Committee tasked three members (Jack Lawless, Dick Sklenar and Pat Teer) to meet informally with members of the Personnel, Legislative and Public Affairs Subcommittee to review the employee's proposals and to determine if there was any support to pursue this issue. Due to management issues/changes, work on this issue was suspended.

At the request of employees, GM Winkler gave the green light to continue work on this proposal. Since that time, staff members and the General Manager have visited with members of the PLPA Subcommittee to review the methodology to use to establish a buy-back program for unused sick leave days accumulated by the employee. After several meetings and reviewing several methods for the buy-back, it was determined that it would be best to keep it simple. Therefore, the proposal is a 25% buy-back of unused sick leave days at retirement, termination in good standing or death.

General Manager John Winkler endorses the proposal as a valuable management tool in the hiring of future employees in a competitive and shrinking labor pool.

The following examples are provided should the revision be approved;

Example 1: Employee making \$22.82/hr with 65 hours of accumulated sick leave at date of retirement, termination in good standing or death

|                                     |          |
|-------------------------------------|----------|
| Buy-back 65 hr x \$22.82/hr x 25% = | \$370.83 |
|-------------------------------------|----------|

Example 2: Employee making \$70,726.50/year (\$36.27/hr.) with 1,350 hours of accumulated sick leave at date of retirement, termination in good standing or death

|                                       |             |
|---------------------------------------|-------------|
| Buy-back 1350 hr x \$36.27/hr x 25% = | \$12,241.13 |
|---------------------------------------|-------------|

The yearly cost would be determined on how many people leave the District during any given year; but, we estimate the cost to be \$15,000 per year.

Also attached the P-MRNRD Sick Leave policy and suggested changes.

- **It is recommended that the PLPA Subcommittee recommend to the Board that the P-MRNRD sick leave policy be amended to provide that each full time employee will be compensated for unused sick leave upon retirement, termination in good standing or death at the rate of 25% of salary, no payment of accumulated sick leave will be made to an employee in the event of termination for cause or resignation prompted by an action of the employee that could result in disciplinary action, and that the P-MRNRD Sick Leave Policy is amended to read as follows:**

**SICK LEAVE:**

Each full time employee will accrue one and one-half (1-1/2) days per month sick leave. This leave may only be used in the case of actual sickness and/or for actual, necessary visits to doctors or dentists.

It is the purpose and intent of this plan to provide for eligible employees when they suffer the misfortune of an extended illness or disability. Therefore, to avoid possible abuse of this benefit, a physician's statement will be required by the District as verification of illness or accident, before sick leave benefits are paid when an employee has been absent for three (3) consecutive working days. Sick leave pay benefits for work related injury/accidents will be coordinated with Worker's Compensation benefits received by the employee.

The General Manager has the authority, in his discretion, to permit an employee to utilize sick leave to tend to the needs of his/her spouse and "immediate family." The term "immediate family" is defined to include spouse, children and parents of the employee and children and parents of employee's spouse. The use of sick leave for this purpose will require approval by the General Manager. An example of approved sick leave under this situation would be where an employee's spouse is ill and children require attention until other adequate arrangements can be made. The illness of a spouse requiring a doctor's attention would be a second example.

Accrued but unused sick leave may be carried forward from year to year, up to a cumulative total of 180 days. For those employees who have over 180 days of accumulated sick leave, their cap will be set at the amount of accumulated sick leave as of June 30, 1994. If an employee whose cap is over 180 days drops below 180 days of sick leave as of June 30th of any given year, that employee's cap would be re-established at 180 days.

~~No pay allowance will be granted for accrued but unused sick leave upon separation from employment. Sick leave is neither an earned benefit that has independent cash value, nor a form of deferred compensation. Rather, it is an income protection program only for those employees who, while employed by the District, are absent from work due to the reasons stated in this policy. Therefore, conversion of sick leave accruals to pay in lieu of sick leave is not permitted. Likewise, no sick leave benefits are paid upon termination of employment for any reason.~~

Abuse of this sick leave policy may result in loss of the sick leave benefit and/or discharge.

Part-time and temporary employees are not eligible for sick leave.

Wellness Benefit: Each full time employee will be compensated for unused sick leave upon retirement, termination in good standing or death at the rate of 25% of salary. No payment of accumulated sick leave will be made to an employee in the event of termination for cause or resignation prompted by an action of the employee that could result in disciplinary action.

Amended: February 8, 2007; May 8, 2008

## **MEMORANDUM:**

TO: Personnel, Legislative and Public Affairs Subcommittee

SUBJECT: Addition to Employee Manual  
Workplace Violence Policy

DATE: April 24, 2008

FROM: John Winkler, General Manager

In response to a recent incident at the Natural Resources Center, I am recommending that the following policy be added to the P-MRNRD Employee Manual:

### **WORKPLACE VIOLENCE:**

It is the District's policy to promote a safe environment for its employees. The District is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

Violence, threats, harassment, intimidation and other disruptive behavior in our workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and will be subject to disciplinary action, criminal penalties or both. Violence, threats, harassment, intimidation and other disruptive behavior which occurs outside our workplace (including stalking) will not be tolerated and will be subject to disciplinary action, criminal penalties or both.

The employees' cooperation is needed to implement this policy effectively and to maintain a safe working environment. If you observe or experience violent, threatening, harassing, intimidating or other disruptive behavior by anyone on District premises or on work location, report it immediately to a supervisor or to the General Manager. Of course, behavior that requires immediate attention should first be reported to law enforcement.

Supervisors who receive such reports should seek advice from the General Manager regarding investigating the incident and initiating appropriate action. Employees suspected of violating this policy may be suspended pending an investigation. All reports and all information given during an investigation will be treated as confidentially as possible, subject to the need to conduct a full and fair investigation, and to inform the individuals involved.

Threats or assaults that require immediate attention by police should be reported to the General Manager and to the following:

|                          |                                                         |                             |
|--------------------------|---------------------------------------------------------|-----------------------------|
| Natural Resources Center | Sarpy County Dispatch                                   | 593-4111                    |
| O&M Shop                 | Sarpy County Dispatch                                   | 593-4111                    |
| Blair Field Office       | Police                                                  | 911 or 426-4747             |
| Tekamah Field Office     | Burt County Sheriff                                     | 911 or 374-2900             |
| Walthill Field Office    | Thurston Co. Sheriff                                    | 911 or 385-3018             |
| Walthill O&M Shop        | Thurston Co. Sheriff                                    | 911 or 385-3018             |
| Dakota City Field Office | Emergency Police and Fire<br>Local Police<br>Local Fire | 911<br>494-7512<br>494-7555 |

May 8, 2008

- **It is the Management's recommendation that the Subcommittee recommend to the Board that the Workplace Violence Policy be adopted and included in the Employee Policy Manual.**