

April 5, 2022

Seward County Board of Commissioners

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Commissioners was convened in open and public session at 8:30 a.m. on April 5, 2022 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's Room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Commissioners has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on April 4, 2022 at 8:30 a.m.

Present: Chairperson: John Culver

Members: Misty Ahmic, Bob Vrbka, Ken Schmieding, Darrell Zabrocki

County Clerk: Sherry Schweitzer

The Chairperson noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership, and Harrison Helmer, Executive Director of BRIDGES, updated the Commissioners on activities of their offices.

Those officials present for the first meeting of the month with the Board of Commissioners were Korey Reiman, Kathy Ruzicka, Wendy Elston, and Sherry Schweitzer.

Moved by Zabrocki and seconded by Vrbka to approve the minutes of March 29, 2022.
Affirmative Vote: Zabrocki, Vrbka, Ahmic, Schmieding, Culver Motion Carried

The Commissioners recessed at 8:56 a.m.
The Commissioners re-convened at 9:00 a.m.

Tom Nielsen and Ben Masten of Soarin' Group were in attendance to present information on IT Security and multi factor authentication for emails. Discussion about changing over to the .gov format was included in the discussion. The Commissioners asked that Soarin' Group start a training for county employees pertaining to security for emails. The Commissioners decided that the .gov format for emails will start right away.

Spencer Conradt, E911 Director, was on the agenda to give information about an employee of his department that was not able to take vacation during the period where the 911 Center was in transition with a new Director. He stated she trained new employees and if the time limit is not expanded, she would lose vacation hours through no fault of her own. Conradt stated that if the limit were increased, he would work in the next months to allow the employee to take vacation and fall back within the maximum accrual limit of 200 hours.

Moved by Zabrocki and seconded by Vrbka to allow Employee # 2319 to have the maximum accrual limit for vacation increased to 260 hours retroactive to April 1, 2022 and allow the increase until October 1, 2022.
Affirmative Vote: Zabrocki, Vrbka, Ahmic, Schmieding, Culver Motion Carried

The Commissioners recessed at 10:20 a.m.
The Commissioners re-convened at 10:25 a.m.

Carina Sanchez, HR Director, and Roxanne Knutson, Assistant HR Director, were present to discuss a new wage structure for Seward County. Sanchez has surveyed other counties and said that the pay structure that Seward County currently has doesn't allow Seward County to stay ahead in the wage surveys of surrounding counties/businesses. Sanchez suggested that there should be a Cost-of-Living Adjustment (COLA) change and also allow officials/department supervisors to also give merit raises. Sanchez said the first year might look different for those who have not gotten wage increases in the past few months as some "hard to fill positions" have received increases. Discussion about employees and starting wages were also discussed. The Commissioners asked that further information be attained by the HR Dept. and come back at a later date.

Commissioners Reports:

Commissioner Ahmic reported that the Sixpence Program event "Chalk the Walk" experienced a rainout today and the rain date is Friday, April 8, 2022. She met with Matt Starkey, Veteran's Service Office, and Terry Wicht, Highway Supt. She stated she stopped by the City of Milford Office to help vote for Revitalization ideas. She participated in the Community Sector briefing, received calls about zoning and water conservation. She spoke with JEO Engineering representatives about edits for the newly proposed Planning and Zoning regulations and had a conversation with a Gage County Commissioner concerning county business.

Commissioner Vrbka reported he dealt with questions received about the American Rescue Plan Act (ARPA) and zoning.

Commissioner Culver reported he attended the Blue Valley Community Action board, held a conversation with Senator Kolterman and checked roads.

Commissioner Schmieding reported he checked on roads and will have a Region V meeting and Extension Board meeting next week.

Commissioner Zabrocki reported he participated in a Zoom meeting with Nebraska Association of County Officials (NACO) about ARPA, attended a City of Seward stakeholders meeting in regard to the improvements with Hwy 15 running through Seward. He also attended a 4th of July meeting. Talked with City of Seward Administrator Greg Butcher and representative from ALLO. He also reported he attended the Village of Utica Board meeting and discussed a road issue with the Highway Supt.

Moved by Vrbka and seconded by Schmieding to approve the Special Designated Liquor License for the Libertarian Party for an event on June 4, 2022.

Affirmative Vote: Vrbka, Schmieding, Ahmic, Zabrocki, Culver Motion Carried

Moved by Vrbka and seconded by Ahmic to authorize the Chairman to sign the Surplus Property Disposal Request from the Detention Center.

Affirmative Vote: Vrbka, Ahmic, Schmieding, Zabrocki, Culver Motion Carried

Moved by Schmieding and seconded by Zabrocki to authorize the Chairman to sign the Surplus Property Disposal Request from the County Attorney's Office.

Affirmative Vote: Schmieding, Zabrocki, Ahmic, Vrbka, Culver Motion Carried

Moved by Zabrocki and seconded by Schmieding to accept the Sheriff Fee and Mileage Report for January 2022 in the amount of \$1,116.00 and \$751.99 respectively.

Affirmative Vote: Zabrocki, Schmieding, Vrbka, Ahmic, Culver Motion Carried

Moved by Vrbka and seconded by Ahmic to authorize the Chairman to sign the Abandoned Cemetery Contract with Greenr-Up Lawncare LLC.

Affirmative Vote: Vrbka, Ahmic, Schmieding, Zabrocki, Culver Motion Carried

Moved by Zabrocki and seconded by Ahmic to approve the updated Grievance Policy and Bylaws.

SEWARD COUNTY GRIEVANCE POLICY (adopted April 5, 2022)

PRACTICE/POLICY- COMPLAINT RESOLUTION

Seward County strives to ensure that all employees are treated fairly. This policy seeks to support the achievement of this goal by providing a just and equitable method for resolving complaints relating to employment conditions or relationships. This policy will assist in controlling acts of discrimination, coercion, or reprisal against employees who may submit and/or be involved in a grievance. Most incidents resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or to the County, you should follow the procedures described here for bringing your complaint to management's attention.

PURPOSE

The grievance procedures shall be used to clarify expressed provisions of county and/or departmental policies and procedures. The grievance process is not to be used to change policies or procedures. Seward County has other established processes to change policies.

PROCEDURE

Employees who feel a written policy or procedure has been violated may do the following:

Step One: Submission of Complaint

Prepare a **written** complaint which contains at a minimum, the following information:

- Name of person making the complaint;
- Reference to the County policies and/or procedures that have allegedly been violated;
- Details of the alleged grievance, including the specific date(s) and time(s);
- Names of person(s) violating County policy or procedure;
- Names of any witnesses; and
- Requested remedy.

The complaint shall be submitted to the employee's immediate supervisor **within ten (10) working days** of the alleged violation. If the employee's immediate supervisor is the subject of the complaint, the employee may proceed directly to Step Three. If the Department Head is the subject of the complaint or if the employee's immediate supervisor and the Department Head are the same person, the employee may proceed directly to Step Four.

Step Two: Meeting with Immediate Supervisor

- The immediate supervisor shall review the employee's concerns and meet with the employee within five (5) working days from the date the complaint is submitted.
- The immediate supervisor shall provide a written decision to the employee within five (5) working days of meeting with the employee.
 - A copy of the written decision shall be provided to the Department Head/Elected Official.
- If the employee does not feel the complaint was adequately resolved by the immediate supervisor, the employee may proceed to Step Three.

Step Three: Review by Department Head/Elected Official

- The employee shall submit the complaint to the Department Head or Elected Official with authority for the employee's department within five (5) working days from the date of the immediate supervisor's written decision.
- If the employee's immediate supervisor is the source of the complaint and, therefore, Steps One and Two were skipped as described above, the complaint shall be submitted to the Department Head or Elected Official in charge of the department within five (5) working days from the date of the alleged violation.
- The Department Head/Elected Official shall investigate the complaint. The investigation may include a meeting with:
 - the employee making the complaint;
 - the employee against whom the complaint was made;

- witnesses to the violation; ○ any other person relevant to the investigation.
- The Department Head/Elected Official shall provide a written response to the employee within ten (10) working days from the date of receipt of the complaint.
- If the employee is not satisfied with the Department Head/Elected Official's response or does not receive a response from the Department Head/Elected Official, the employee may file a grievance and request a formal review of this decision by the Grievance Board.

Step Four: Grievance and Request for Formal Review

- An employee who requests a formal review by the Grievance Board shall complete the Grievance Form and Request for Formal Review, which shall be available from Human Resources and electronically on the Seward County website where similar forms and resources are accessible to employees. The completed form should be returned to the Human Resources Director, indicating the employee's desire to appeal the decision of the Department Head/Elected Official by filing a grievance. If the grievance is being filed against an employee in the Human Resources Department, the employee may submit the Grievance Form and Request for Formal Review directly to the County Attorney rather than the Human Resources Director. In that event, the County Attorney, or his/her designee, shall fulfill the duties of Human Resources for the grievance.
- The grievance must be filed within five (5) working days of receipt of the written response of the Department Head/Elected Official. If no response is received from the Department Head/ Elected Official, the Grievance and Request for Formal Review must be filed within five (5) working days from the end of the response period.
If the prior steps are skipped and the grievance filed directly with Human Resources because the Department Head is the subject of the grievance or if the employee's immediate supervisor and the Department Head are the same person, it shall be filed **within ten (10) working days** from the date the alleged violation took place.
- The written request for formal review shall include:
 - Name of person filing the grievance;
 - Reference to the County policies and/or procedures that have allegedly been violated; ○ Details of the alleged grievance, including the specific date and time;
 - Names of person(s) violating County policy; ○ Names of any witnesses; ○ Requested remedy; and ○ A copy of the written decision from the Department Head/Elected Official.
- The Human Resources Director shall immediately notify the County Attorney of the grievance and provide a copy of the grievance and response from the Department Head/Elected official. If the County Attorney is the subject of the grievance, the Human Resources Director need not provide such notice and the Grievance Board shall have the right to retain outside legal counsel as approved by the County Board. If outside legal counsel is retained, notice and copies of the grievance and response shall be provided to the retained counsel after the attorney or firm has been approved by the Board of Commissioners.
- Within five (5) working days of receipt of the grievance, the Human Resources Director shall notify any employee against whom the grievance is filed that a formal review has been requested and provide the following to him or her: ○ A copy of the Request for Formal Review;
 - A copy of this Grievance policy and the Grievance Hearing Procedure Bylaws; ○ Notice of the right to provide a written response within five (5) working days to the Human Resources Director/County Personnel Officer.
- Any employee against whom a grievance is filed may provide a written response to the Human Resources Director within five (5) working days of receiving notice that a formal review has been requested. A copy of the response will be provided to the person filing the grievance.
- Upon receipt of the request for formal hearing, the Human Resources Director shall notify the Board Members. Any Board members shall notify the Human Resources Director immediately if he or she believes any board member has a conflict of interest with the grievance such that he or she cannot

be fair and impartial. The determination of a conflict of interest shall be made by the County Attorney or legal counsel retained by the Board consistent with this policy.

The Grievance Board shall schedule a hearing concerning the grievance to occur within **15 working days** from receipt of the appeal. The hearing shall be consistent with the Grievance Board Procedure Bylaws, adopted April 5, 2022, and any subsequent amendments.

- The County Attorney, or his/her designee, will serve as legal counsel during the hearing and deliberation, but will not be a voting member of the Board.
- The Human Resources Director shall notify all parties of the date, time, and location of the formal Grievance Board Hearing. The parties are responsible for notifying their respective requested witnesses.
- The Grievance Board may decline to review a grievance if that grievance has previously been heard unless new information and/or evidence becomes available.
- The Board's determination shall be made in writing and copies sent to each party within five (5) working days of the formal hearing.
- The Grievance Board's decision shall be binding upon the parties.

FURTHER REVIEW

If satisfactory resolution is not received through the Seward County Grievance Board, the employee may contact the Nebraska Department of Labor or take further action pursuant to the laws of the State of Nebraska.

RECORDS MANAGEMENT

The board's findings, documents submitted and/or considered at any hearing, and all correspondence related to the incident shall become a part of the permanent record maintained by the Human Resources Department in compliance with State and Federal Law. Said records shall be kept confidential.

Seward County Grievance Procedure Bylaws

Adopted: April 5, 2022

GRIEVANCE BOARD

The Grievance Board shall be made up of five members consisting of individuals employed by Seward County. One member shall be appointed by the Board of County Commissioners, one member shall be appointed by department heads, and two members shall be appointed by employees who are covered by the county personnel system. These four members shall select a fifth member for the Grievance Board. In the event the board members cannot decide upon the fifth member by majority vote, the Chairperson shall notify the Human Resources Director, who shall then appoint the fifth member. No two members of the Board shall be from the same Department.

The Department Heads responsible for appointing their member consist of: Aging Partners

Director, Building and Grounds Superintendent, Communications Director, Corrections Director, County Assessor, County Attorney, County Clerk, County Treasurer, District Court Clerk,

Emergency Manager, Highway Superintendent, Human Resources Director, Public Defender, Sheriff, Surveyor, Veterans/Public Transit Director, and the Weed/Zoning Administrator.

The employees responsible for appointing their member consist of all regular part-time and full-time employees other than Department Heads listed above.

The Human Resources Director, Assistant Human Resources Director, County Attorney, Deputy County Attorneys, and Commissioners are not eligible for appointment as Board members.

Human Resources shall be responsible for coordinating the appointment process and maintaining the list of Board members. Members shall accept their appointment to Human Resources in writing, which may include electronic communication.

Terms of Appointment

After the initial adoption of this policy, Grievance Board members shall serve their initial term beginning immediately upon appointment and ending as follows:

- The term of the member appointed by the Board of Commissioners shall end on June 30, 2023. This member shall act as Chairperson from the time of initial appointment until December 31, 2022.
- The term of the member appointed by the Department Heads shall end on June 30, 2027. ○ The term of one member appointed by employees shall serve end June 30, 2024. The term of the other member appointed by employees shall end on June 30, 2026.
- The term of the member appointed by the four board members shall end on June 30, 2025.

Thereafter, each member shall be appointed in the same manner for a term of five years, except that any person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed in the same manner for the remainder of the term. Each member of the board shall maintain his or her appointment until a successor is appointed and qualified.

After January 1st and prior to January 15th of each year, the Grievance Board shall elect a member to serve as chairperson for that calendar year. The election may be done by audio/video conferencing or electronic communication. The chairperson shall immediately notify the Human Resources Director of his or her election.

Grievance Board-related activities will be considered part of the employee's county work responsibilities as "other duties as assigned."

Removal

The Board of County Commissioners may remove any member of the Grievance Board for neglect of duty or misconduct in office after first giving the board member a copy of the reason for removal and providing for him or her to be heard before the commissioners.

Quorum and Alternate Members

Three members of the Grievance Board shall constitute a quorum for the transaction of business under these bylaws, except that no business shall be transacted unless at least one of the members appointed by the board of county commissioners or the elected officials/department heads and at least one of the members appointed by the employees are present. If a quorum cannot be reached due to conflict of interest or absenteeism, the Human Resources Director will be responsible for appointing alternate member(s) to serve throughout the process of resolving the pending grievance. The alternate shall be chosen from the same group as the absent member(s); however, the Human Resources Director shall not appoint a replacement for the member appointed by the Board of Commissioners. If an alternate member appointed by the Board of Commissioners is necessary for a quorum, the Board of Commissioners shall appoint an alternate member to serve throughout the process of resolving the pending grievance. If the Chairperson is absent at any of the proceedings, the members of the Grievance Board shall designate one of the members to act as Chairperson.

PREHEARING MEETING

The Grievance Board shall meet within 5 working days of receipt of the appeal and conduct a prehearing meeting consistent with the Grievance Procedure bylaws. This hearing may be held in person or by videoconferencing. At that prehearing meeting, if the board determines, after viewing all facts in the light most favorable to the individual filing the grievance, that no violation of policy or procedure occurred, the board may decline to proceed to formal hearing. If the board fails to proceed to formal hearing, a letter communicating the same shall immediately be provided to parties.

FORMAL REVIEW HEARING PROCEDURE

- The hearing will be for (i) each of the parties to provide information to the board with their own statement and/or with a statement from anyone requested to be there to provide information on their behalf; and (ii) any member of the Grievance Board to ask the parties and/or requested witnesses questions. The parties will not be allowed to question (cross-examine) each other and/or any witnesses.
- The parties are responsible for notifying their respective witnesses. Witnesses to be present at the request of the Grievance Board will be notified by the Chair. The Grievance Board does not have subpoena power; however, any Seward County employee who is requested as a witness by

any party, including the Board itself, is expected to attend unless excused by the Grievance Board Chair.

- Attendance at the hearing is limited to the grievant, respondent, legal counsel for the parties, witnesses (during their testimony only), and others that the Grievance Board chairperson may deem relevant. Upon request by any party or Grievance Board representative, the Human Resources Director or Assistant Director will attend the hearing to provide assistance to the Grievance Board. Spectators are not permitted to attend Grievance Board Hearings.
- Each party may be represented by legal counsel. Legal counsel may be present during the hearing; however, may not directly participate in the proceedings. Each party is responsible for their own expenses and costs, if any, including attorneys' fees.
- The Grievance Board Chairperson presides over the hearing. No transcript or recording will be made of the proceedings; however, the Chair will designate one representative to take contemporaneous notes.
- A Grievance Board hearing is not intended to be a court proceeding. Therefore, the technical rules of evidence do not apply. The Grievance Board Chair may direct the Grievance Board to exclude evidence that is irrelevant, immaterial, insubstantial, privileged, or repetitive.
- The Grievance Board has the right to access all relevant county records.

DETERMINATION TO BE MADE BY THE BOARD

- Immediately following the hearing, the Grievance Board will deliberate and reach a determination by a majority vote. No formal rules of procedure need to be followed.
- While deliberating, the Grievance Board should consider prior resolution of similar issues elsewhere in the county.
- The Board will determine, by the preponderance of the evidence (more likely than not) standard, as follows:
 - For grievances alleging a violation of policy by Respondent for which disciplinary or corrective action has not yet been sought, whether there was or was not a violation of policy as alleged in the grievance.
 - i. If the Board determines there was not a violation of policy as alleged in the grievance, the grievance shall be dismissed;
 - ii. If the Board determines there was a violation of policy as alleged in the grievance, the Board shall determine the corrective or disciplinary action on behalf of the grievant.
 - For grievances alleging a violation of policy has occurred against Grievant by someone other than Respondent and insufficient action has been taken to correct the violation by the Department Head or Elected Official:
 - i. If the Board finds that the action taken by the Department Head or Elected Official was appropriate and the grievance, the grievance shall be dismissed; ii. If the Board disagrees with the action taken by the Department Head or Elected Official and the Board shall determine the corrective or disciplinary action to be imposed.
 - For grievances alleging that inappropriate disciplinary action was taken against Grievant, either in imposition of any disciplinary action and/or that the level of disciplinary action taken was disproportionate to the conduct for which it was imposed:
 - i. If the Board finds that imposition of some sort of disciplinary action was appropriate, and the Board agrees with the disciplinary action taken, the grievance shall be dismissed;
 - ii. If the Board finds that imposition of some sort of disciplinary action was appropriate, and the Board disagrees with the disciplinary action taken, the Board shall determine the corrective or disciplinary action to be imposed; or
 - iii. If the Board finds that imposition of any disciplinary action was not appropriate, it will determine the remedy on behalf of Grievant.

Affirmative Vote: Zabrocki, Ahmic, Vrbka, Schmieding, Culver Motion Carried

During the ARPA item on the agenda, Commissioner Ahmic stated she had talked to the representatives of South East Nebraska Development District representatives about being able to help villages with matching funds along with the County ARPA funds they are receiving. She noted the second ARPA fund report is due April 30. Bob Dahms received an email about it via an email. It will be now be sent to Commissioner Ahmic and reports will be processed under the County Clerk's credentials.

Ahmic also stated that Nebraska Public Power District (NPPD) wants to conduct a feasibility study about broadband and is requesting six counties to join. The other counties asked to join are Gage, Thayer, Fillmore, Saline and Jefferson. The cost for the survey is estimated to be \$30,000. NPPD stated they would pay \$20,000 and ask the counties pay a share of the remaining \$10,000. Seward County would be asked to pay \$1,666 and sign an MOU. The Commissioners tentatively agreed to be part of the MOU.

Maria Hatfield, Detention Center Director, reported she went to the Drug Board in regard to asking them help pay for a body scanner. They indicated their fund did not have enough to pay for the full body scanner. Previously, she had appeared before the Board of Commissioners and asked if the Board would pay for the scanner using county ARPA funds. The cost is around \$170,000. Hatfield appeared now before the Board to ask if the Board would re-consider paying for the total cost of the scanner with county ARPA funds.

Moved by Ahmic and seconded by Schmieding to approve the request to purchase the Intercept Full Body Scanner not to exceed \$170,000 and to be paid with county ARPA funds.

Affirmative Vote: Ahmic, Schmieding, Zabrocki, Vrbka, Culver Motion Carried

Known items on the agenda for Board of Equalization on April 12, 2022 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of March 22, 2022
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on April 12, 2022 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of April 5, 2022
4. Discuss/Action – Approve claims through April 1, 2022

Other Business Matters to Address When Time Allows

5. Discuss/Action - Public/Officials/Boards
6. Commissioners Reports
7. Discuss/Action – Disbursement of American Rescue Plan Act (ARPA) Funds
8. Discuss/Action – Agenda for April 19, 2022

9:15 a.m. Discuss/Action – Carol Albrecht – Request permission for Farmers Market to be held on Courthouse lawn

10:00 a.m. Discuss/Action - Jane Morhling/ALLO – Explore possible long-term lease on land owned by Seward County

Moved by Vrbka and seconded by Zabrocki to adjourn 11:54 a.m.

Affirmative Vote: Vrbka, Zabrocki, Schmieding, Ahmic, Culver Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 12th day of April 2022.

County Clerk

Chairperson