RULES AND REGULATIONS

OF THE

CIVIL SERVICE COMMISSION

CITY OF LA VISTA, NEBRASKA

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ARTICLE I. DEFINITIONS

Section 1.1 Appointment. "Appointment" shall mean all means of selecting, appointing, or employing any person to hold any position or employment subject to civil service.

Section 1.2 City. "City" shall mean the City of La Vista, Sarpy County, Nebraska.

Section 1.3 City Administrator. "City Administrator" shall mean the City Administrator for La Vista, Sarpy County, Nebraska.

Section 1.4 City Council. "City Council" shall mean the City Council of the City of La Vista, Sarpy County, Nebraska.

Section 1.5 Civil Service Act. "Civil Service Act" shall mean Neb. Rev. Stat. §19-1825 et seq. as amended from time to time.

Section 1.6 Code. "Code" shall mean the Municipal Code of La Vista, Nebraska.

Section 1.7 Commission. "Commission" shall mean the five (5) member Civil Service Commission created by Ordinance No. 395 enacted by the La Vista City Council on November 19, 1985.

Section 1.8 Commissioner. "Commissioner" shall mean any one (1) of the five (5) members appointed to the Civil Service Commission pursuant to La Vista Code §37.31.

Section 1.9 Covered Positions. "Covered positions" shall mean all present full-time police officers of the City, including any paid full-time police chief, and future appointees to such full-time positions.

Section 1.10 Demotion. "Demotion" shall mean changing from one position to another, accompanied by a decrease in the current rate of pay.

Section 1.11 Disciplinary Action. "Disciplinary action" shall mean any action in which a person employed in a covered position is removed, discharged, suspended with or without pay, demoted, reduced in rank, or deprived of vacation, benefits, compensation or other privileges when any of the foregoing are imposed or sought to be imposed as a sanction for misconduct or inadequate job performance.

Section 1.12 Full-time Police Officers. "Full-time police officers" shall mean police officers, employed or seeking full-time employment by the City under the provisions of the Civil Service Act, in positions which require certification by the Nebraska Police Standards Advisory Council, who have the power of arrest, who are paid regularly by the City, and for whom law enforcement is a full-time career, and the Police Chief, but shall not include clerical, custodial, or maintenance personnel.

Section 1.13 Good Faith for Cause. "Good faith for cause" shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

Section 1.14 Lateral Entry Applicant. A Lateral Entry Applicant is someone currently certified as a police/peace officer for a local, county, or state law enforcement agency.

Section 1.15 Mayor. "Mayor" shall mean the Mayor of the City of La Vista, Sarpy County, Nebraska, or the person acting as such at the time action is taken.

Section 1.16 Police Chief. "Police Chief" shall mean the paid full-time chief of the La Vista Police Department, or the person acting as such at the time action is taken.

Section 1.17 Position. "Position" shall mean an individual job which is designated by an official title indicative of the nature of the work.

Section 1.18 Promotion. "Promotion" shall mean the changing from one position to another, accompanied by an increase in the current rate of pay.

Section 1.19 Promotional Position. "Promotional position" shall mean a position providing a potential for permanent increase in the rate of pay available to a full-time police officer.

Section 1.20 Rules and Regulations. "Rules and Regulations" shall mean the Rules and Regulations adopted by the Commission, including without limitation all appendices and documents attached or referred to in such Rules and Regulations, which appendices and documents are incorporated into such Rules and Regulations by reference, and any amendments thereto.

Section 1.21 Scoring Methodology. “Scoring methodology” shall mean the procedures for assessing responses, results, an examination or investigation, or an applicant for an appointment or promotional position, including without limitation applicable criteria and related scales and weights.

ARTICLE II. ORGANIZATION AND JURISDICTION OF COMMISSION

Section 2.1 Members of the Commission. The Commission shall consist of five (5) members appointed by the Mayor with the approval of the City Council pursuant to La Vista Code §37.31. The members shall serve without compensation.

Section 2.2 Terms of Office. The term of office of each Commissioner shall be five (5) years, except that the first five (5) Commissioners appointed pursuant to Ordinance No. 395 shall have staggered terms as provided in La Vista Code §37.32.

Section 2.3 Removal of Commissioners. Commissioners may be removed from office for the reasons and in the manner specified by Code §37.33.

Section 2.4 Quorum. Three (3) members of the five (5) member Commission shall constitute a quorum for the transaction of business.

Section 2.5 Chairperson and Vice-Chairperson. The Commission shall elect a Chairperson and Vice-Chairperson at its first meeting in each calendar year. The Commissioners so elected shall serve in such capacities until a successor is elected, the Commissioner resigns from the Commission, or the Commissioner is removed from office pursuant to Code §37.33. If a vacancy in the office of Chairperson or Vice-Chairperson exists, a successor shall be elected at the next meeting of the Commission. The successor shall fill only the unexpired term of the vacant office and the Commission shall once again elect a Chairperson and Vice-Chairperson at its first meeting of the following calendar year.

Section 2.6 Meetings. The Commission shall hold meetings as may be required for the proper discharge of its duties. All meetings shall be conducted in accordance with the most current available edition of the Robert's Rules of Order.

Section 2.7 Secretary and Chief Examiner.

A. Merger and Appointment. The positions of Secretary and Chief Examiner are hereby merged. The Commission shall appoint one person to perform the duties of such merged position. Until such time as the Commission may by resolution appoint another person as Secretary and Chief Examiner of the Commission, the City Clerk is hereby appointed Secretary and Chief Examiner ("Secretary") of the Commission.

B. Duties. The Secretary shall have the following responsibilities:

(1) Keeping the records and files of the Commission and preserving all reports made to the Commission.

(2) Administering and superintending examinations, keeping records of all examinations held, and reporting the results of all examinations to the Commission.

(3) Notifying all members of the Commission of the date, time and place of all examinations so that members may attend.

(4) Notifying all members of the Commission, the public, and involved parties (if any) of the time and place of Commission meetings, and keeping and preserving minutes of such meetings.

(5) Performing such other duties as the Commission may prescribe.

C. Authority to Deputize. The Secretary may utilize City employees to administer examinations or portions thereof or to assist therein.

D. Suspension or Discharge. The Secretary shall be subject to suspension or discharge from his or her duties as Secretary upon a vote of a majority of the members of the Commission.

Section 2.8 Jurisdiction of Commission. The Commission's jurisdiction shall be limited to matters involving individuals employed in covered positions and the filling of vacancies in covered positions. These Rules and Regulations shall have no application in any other situation.

ARTICLE III. CITY ADMINISTRATOR

Section 3.1 Powers and Responsibilities. The City Administrator shall have the following powers and responsibilities with respect to civil service:

A. Minimum Qualifications. The City Administrator shall establish in writing the minimum qualifications for all covered positions and shall provide the Secretary/Chief Examiner with a copy thereof.

B. Military Credit. The City Administrator shall designate in writing the entry level positions qualifying for the military credit allowed to certain applicants pursuant to La Vista Code §37.39 and Section 4.4 C.(5) of these Rules and Regulations.

C. Certified Law Enforcement Credit. The City Administrator shall designate in writing the entry level positions qualifying for the certified law enforcement credit allowed to certain applicants pursuant to Section 4.4 C.(5) of these Rules and Regulations.

D. Eligibility Lists. The City Administrator may requisition eligibility lists from the Commission.

E. Competitive Examinations. The City Administrator shall have the authority to establish the time and date of competitive examinations.

F. Leave of Absence. A leave of absence with or without pay may be granted by the City Administrator to any person employed in a covered position. The City Administrator shall give notice of such leave to the Commission. All appointments for temporary employment resulting from such leaves of absence shall be made from the eligible list, if any, of the Civil Service. No employee shall have an absolute right to a leave of absence unless drafted into military service or otherwise required by law.

ARTICLE IV. APPOINTMENTS AND PROMOTIONS

Section 4.1 Basis for Appointments and Promotions. All appointments and promotions to covered positions shall be made solely on the basis of merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation by the Commission.

Section 4.2 Required Qualifications. In order to be eligible for competitive examinations, an applicant for any covered position must meet the following qualifications:

A. Must be able to read and write the English language;

B. Must meet the minimum job qualifications of the position as established by the City Administrator; and

C. Must be of good moral character. An applicant shall be required to disclose his or her past employment history and his or her criminal conviction record, if any.

Section 4.3 Procedure for Filling Vacant Positions.

A. Requisition for Eligibility List. The City Administrator shall request the Commission to provide the names and addresses of persons eligible for appointment to a covered position whenever the covered position becomes vacant or at such other time as the City Administrator deems necessary.

B. Certification by Commission. When the Commission receives an eligibility list request from the City Administrator, the Commission shall certify the names of the persons who are the three (3) highest on the eligibility list following the most recent examination and whose qualifications have been validated by the Commission. If requests are made simultaneously for more than one vacancy in the same position to which an eligibility list applies, the Commission shall certify one additional name, if available, for each additional vacancy for which request is made.

C. Action of City Administrator. Upon receipt of such list, the City Administrator may take any one of the following actions:

(1) Appoint one of the persons on the list to the vacant position after considering various factors, including, but not limited to, the following:

(a) The multiple job skills recently or currently being performed by the applicant which are necessary for the position;

(b) The knowledge, skills, and abilities of the applicant which are necessary for the position;

(c) The performance appraisals of any applicant who is already employed in the police department including any recent or pending disciplinary actions involving the employee;

(d) The employment policies and staffing needs of the police department together with contracts, ordinances, and statutes related thereto;

(e) Required federal, state, or local certifications or licenses necessary for the position; and

(f) The qualifications of the applicants who are already employed in the police department and who have successfully completed all parts of the examination for the position;

or

(2) Decline to fill the vacancy for an indefinite period; or

(3) If the Commission certifies fewer than three (3) names for each vacancy, the Administrator may direct the Commission to hold another examination.

Section 4.4 Preparation of Eligibility Lists.

A. Notice of Taking of Applications. If no eligibility list exists when the City Administrator requests the names of persons eligible for appointment or promotion to a position, then the Commission shall give public notice that applications are being taken for employment in the covered position. If the covered position is a promotional position within the police department, then notice shall also be posted in a place where it will reasonably be expected to be seen by police officers employed by the City during the time the applications are being taken.

B. Taking of Applications. All persons desiring to apply for employment in a covered position shall complete an employment application. All persons who apply for an entry level position shall pay an examination fee, as set in the Master Fee Ordinance, on submitting the completed application, which fee shall be deposited to the City's General Fund. Such employment application shall be in a form approved by a majority of a quorum of the Commissioners and shall be made available to applicants by the Secretary. Such employment application shall require applicants to provide information deemed necessary for a prima facie determination of whether the applicant meets the required qualifications imposed by La Vista Code §37.10 and Section 4.2 of these Rules and Regulations. Such information shall include, but not be limited to, past employment history and data regarding the applicant's criminal conviction record, if any. Each applicant shall submit a full set of his or her fingerprints and a written statement of permission authorizing the City to forward the fingerprints to the Federal Bureau

of Investigation through the Nebraska State Patrol, for identification pursuant to Neb. Rev. Stat. §19-1831.

C. Examination Procedures.

(1) Requirements for Tests. All tests, including tests of physical dexterity and written examinations, shall be practical and shall consist only of subjects which will fairly determine the capacity of applicants to perform the duties of the position for which the test is given.

(2) Approval of Tests. All tests shall be approved by a majority of a quorum of the Commissioners.

(3) Obstruction of Examinations Prohibited. No Commissioner or other person shall, by himself or herself, or in cooperation with one or more persons:

(a) Defeat, deceive, or obstruct any person in respect to the right of examination according to the Rules and Regulations made pursuant to the Civil Service Act;

(b) Falsely mark, grade, estimate, or report upon the examination and standing of any person examined or certified in accordance with such act or aid in so doing;

(c) Make any false representation concerning the same or concerning the person examined;

(d) Furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified to be examined or certified; or

(e) Persuade any other person or permit or aid in any manner any other person to impersonate any applicant in connection with any examination, application, or request to be so examined.

(4) Physical Dexterity Examination. Applicants who appear to meet the qualifications set forth in La Vista Code §37.10 and Section 4.2 of these Rules and Regulations on the basis of their employment applications shall be given a physical dexterity examination which will equitably test their physical ability to fulfill the duties of law enforcement officers. The physical dexterity examination for the covered position shall be given on a pass/fail basis.

(5) Written Examination. Applicants passing the physical dexterity examination will be allowed to take a written test for the vacant position.

(a) Written Test: A prepared written test purchased from an outside vendor, and approved by a majority of a quorum of the Commissioners, shall be utilized.

(b) An applicant may receive up to twenty (20) percentage points for the written test element (entry-level position only).

(c) Military Service Credit. A credit of ten percent (10%) shall be given on the results of the written examination to all applicants for entry level positions who, in time of war or in any expedition of the armed forces of the United States, have served in and been discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) from the armed forces of the United States and who have equaled or exceeded the minimum qualifying standards established by the City Administrator for the entry-level position. The City Administrator shall define which positions are entry-level positions qualifying for such credit.

(d) Certified Law Enforcement Credit. A credit of ten percent (10%) shall be given on the results of the written examination to all applicants for entry level positions within the Police Department who show proof of certification as a full-time civilian law enforcement officer and who have equaled or exceeded the minimum qualifying standards established by the City Administrator for the entry-level position. The City Administrator shall define which positions are entry-level positions qualifying for such credit.

This credit shall not be allowed to an applicant who was not in good standing or not eligible for rehire at his or her most recent place of law enforcement employment.

This credit shall not be allowed to an applicant who has received military service credit.

(6) Background Investigations. Background investigations of the applicants receiving the twenty (20) highest scores on the written examination, as determined by the Secretary (or of all of the applicants receiving passing scores on the written examination if less than 20 applicants took such examination), will be conducted by the Police Chief or his designate(s). In providing the names of applicants to the Police Chief to allow for the conducting of background investigations, the Secretary shall not disclose or provide to the Police Chief any scores or ranking of scores received by any applicants on the written examination.

Background investigations may include inquiry into criminal history information, driving records, work histories, truthfulness and completeness in completing the position application, and other areas which reflect (or may reflect) upon the suitability of applicants to be appointed as Police Officers at the entry level. The background investigations shall be scored and reported to the Commission in accordance with

APPENDIX A to these rules and regulations. An applicant may be completely disqualified from consideration if he/she fails to achieve at least the minimum acceptable score established by the City Administrator for the background investigation. The information compiled as the result of the background investigation is declared to be privileged and confidential. If the results of the background investigation disqualify an applicant, in no event shall the names of those providing information or any other confidential information be disclosed to the applicant.

During the background investigation process, situations may arise in which candidates being investigated or who are listed for investigation withdraw from consideration or in which candidates, in the opinion of the Police Chief or his/her designate(s) or other investigators specified by the City Administrator are, based on the results of inquiry and investigation, deemed unsuitable for appointment, employment or promotion in the police department, such that there may then be less than twenty (20) candidates listed for background investigation. In any such situation, the Police Chief or other investigators specified by the City Administrator may request from the Secretary the name(s) of one or more additional candidates for the purpose of conducting background investigation(s) respecting such additional candidate(s). The Secretary shall furnish such name(s) on receipt of such a request. When furnishing any name(s) pursuant to such a request, the Secretary shall furnish the name or names of the candidate(s) scoring next highest on the written examination. The intent of this paragraph is to provide to the Police Chief (or other investigators specified by the City Administrator), in all such situations and to the extent possible, the names of at least twenty (20) candidates for the purpose of conducting background investigations. The Police Chief (or other investigators specified by the City Administrator) shall report to the Commission the results of all inquiries, background investigations and interviews conducted, including those respecting the candidates from the original list of twenty (20) names as well as those respecting any candidates names added thereto under this paragraph.

(7) Department Interview Questions: A panel of Police Department officers appointed by the Police Chief, will conduct interviews of the twenty applicants scoring highest in the written testing process who achieve at least the minimum acceptable score established by the City Administrator respecting the background investigation. Present to observe during the questioning will be at least one Commissioner and/or, if requested by the Commission, the Secretary. A series of questions prepared by the Police Chief and approved by the Commission, will be asked of each candidate. Each candidate will be

asked the same questions. Each member of the panel will score the responses to the questions on a zero to ten (10) point scale as follows:

(a) ZERO – The candidate failed to answer any part of the question correctly.

(b) ONE POINT – THREE POINTS The candidate partially answered the question correctly, however, the answer was not complete in one or more important respects.

(c) FOUR POINTS – SIX POINTS The candidate's answer was basically correct. However, some portion of the answer was omitted and/or incorrectly stated in one or more minor respects.

(d) SEVEN POINTS – NINE POINTS The candidate correctly answered all portions of the question and possessed a good knowledge of the subject.

(e) TEN POINTS – The candidate answered all portions of the question and possessed a thorough understanding of the subject.

The scores received from each member of the panel on the answer to each question will be averaged to obtain the final score for each question. In awarding points, the computed average will be rounded to the nearest one-half point. A candidate may receive up to 40 percentage points for the Department Interview Questions element.

(8) Civil Service Commission Interviews: The score results of the four previous elements of the screening process will be deposited with the Secretary promptly upon the completion of each element. The Secretary will total each candidate's scores on the four elements completed to that point and determine the ten (10) candidates having the highest total scores to that point and satisfying all minimum qualifications and criteria. Those ten (10) candidates will then be scheduled for interviews with the Civil Service Commission. (If there are less than ten (10) candidates remaining under consideration at this point in the process, all of the candidates remaining under consideration will be scheduled for interviews with the Civil Service Commission.) Interviews will be conducted by the Commission or may be delegated to such Commissioner or Commissioners as the Commission deems appropriate. At the request of the Commissioner(s) conducting any interview, other city officials or employees (such as the City Administrator, Police Department representatives, , etc.) may participate therein. The Commission will ask each interviewed applicant a series of questions, the answer to which shall be scored by members of the Commission. The questions shall be the same for each applicant interviewed. A candidate may receive up to a possible 40 percentage points for this element of the process.

(a) Weighing of Each Element of the Process.

Elements	
1. Physical Dexterity Examination	Pass/Fail
2. Written Test	20%
3. Background Investigation	Pass/Fail
4. Department Interview Questions	40%
5. Civil Service Commission Interview	40%
Total	100%

D. Validation and Polygraph / Medical / Psychological Examination. The results of the physical dexterity exams, written tests, interviews and background investigations will be submitted to the Commission. The Commission will then prepare the eligibility list pursuant to La Vista Code §37.39K, including thereon all persons who have satisfactorily passed the examinations for the position to be filled and whose qualifications have been validated pursuant to La Vista Code §37.10. Prior to making a final appointment to an entry level position (as defined by the City Administrator) from any such eligibility list, the City Administrator shall cause the candidate conditionally proposed by the City Administrator to be appointed from such list to submit to a polygraph, medical and psychological examination. If, upon such examinations, the City Administrator determines such candidate to be unsuitable for employment or appointment, the City Administrator may report the situation to the Commission and request the Commission to remove the candidate's name from the eligibility list, or may proceed in the manner provided by Section 4.3.C. of these Rules or as otherwise provided by law. Upon any such request by the City Administrator, the Commission shall make the determination of whether such candidate's name shall be removed from the eligibility list, and if such name is removed by the Commission, then the Commission shall replace it with the name of the person next highest on the eligibility list.

E. Notification of Applicants. Applicants will be notified by mail whether they have successfully completed all parts of the examination, whether they have been placed upon the eligibility list for a position, and of their relative place upon such list, if applicable.

F. Non-Entry Level Appointment/Promotion Procedures.

(1) **Non-Entry Level Appointment Procedures**. The procedures for determining the eligibility list for appointment to Police Department positions other than entry level or promotion positions (as determined by the City Administrator) shall be as set forth in **APPENDIX B(1)** ("Non-Entry Level Appointment Procedures Manual") attached to

these rules and regulations, to the extent that such **APPENDIX B(1)** specifies procedures different than those set forth above in this Article IV.

(2) **Promotion Procedures**. The procedures for determining the eligibility list for promotion positions within the Police Department (as determined by the City Administrator) shall be as set forth in **APPENDIX B(2)** ("Non-Entry Promotion Procedures Manual") attached to these rules and regulations, to the extent that such **APPENDIX B(2)** specifies procedures different than those set forth above in this Article IV.

G. Optional Procedure Regarding Testing and Screening for Entry-Level Full-Time Police Officer Positions. At its option, and in lieu of the specific procedures set forth in subsections 4.4 A. through 4.4 C.(5)) of these Rules and Regulations, the Commission may contract with an outside supplier to furnish the services of advertising and accepting registrations for, and conducting and administering, preliminary screening procedures, competitive examinations and physical fitness tests and other tests and testing, as designated or approved by the Commission, to persons interested in obtaining employment in entry-level full-time police officer positions. The Secretary and Chief Examiner or other person or persons designated by the Commission shall have or share general superintendence over any such screening procedures, competitive examinations and testing. The Commission may, if it chooses, join with other law enforcement agencies, merit commissions, civil service commissions and similar bodies in contracting for such services on a joint and cooperative basis. Expenses incurred by the Commission in procuring such services shall, if approved by the City Administrator, be deemed necessary expenses of the Commission under Section §37.04 of the Code. The Commission may from time to time establish a reasonable registration fee for such examination and testing to help defray the expense of examination and testing, and such fee may be the same as or different from the amount set forth in subsection 4.4.B. of these Rules and Regulations. As provided in Section §37.39 of the Code and Section 3.1.E of these Rules and Regulations, the City Administrator must establish or approve the time(s) and date(s) of any competitive exams. If the Commission chooses to recruit, examine and screen applicants for entry-level full-time police officer positions through a contracted testing and screening procedure as described in this subsection 4.4.G, all other provisions of these Rules and Regulations shall be interpreted in a manner consistent therewith for purposes of the recruitment, examination and screening of applicants for entry-level full-time police officer positions, such that essentially the same employment application and selection procedures will apply under this subsection 4.4.G. as apply under subsections 4.4.A. through 4.4.C.5), with the exception that an outside supplier would be furnishing to the Commission the

services of advertising and accepting registrations for, and conducting and administering, preliminary screening procedures, competitive examinations and physical fitness tests and other tests and testing, as designated or approved by the Commission, to persons interested in obtaining employment in entry-level full-time police officer positions.

H. Lateral Entry Appointments

1. The La Vista Civil Service Commission subscribes to the philosophy that hiring experienced, trained, and previously certified police officers provides an attractive demographic and economic alternative to the city and citizens of La Vista.

2. Lateral entry testing for certified police officers shall be conducted when requested by the City Administrator and approved by the Commission.

3. Lateral entry candidates must comply with all minimum appointment requirements for police officer applicants.

4. The selection process shall, at a minimum, include a standardized written examination, physical dexterity examination, Police Panel Oral Interview, and a Civil Service Commission panel interview. The provisions in Section 4.4 (D) shall also apply to any lateral candidate.

Section 4.5 Probationary Period.

A. Establishment of Probationary Period.

1.) One Year Probationary Period for Entry-Level Law Enforcement Positions. In order to enable the City to exercise a choice in filling covered positions, no appointment, or employment first made after January 1, 1997, to a position designated as an entry level law enforcement position by the City Administrator, shall be deemed complete until a one (1) year probationary period has expired.

(A) For an employee certified by the Nebraska Police Standards Advisory Council prior to the appointment or employment in question, the one (1) year probationary period shall begin to run at the date of the appointment or employment in question and shall expire one (1) year thereafter.

(B) For an employee who has not been certified by the Nebraska Police Standards Advisory Council prior to the appointment or employment in question, the one (1) year probationary period shall begin to run on the date of the employee's certification by the

Nebraska Police Standards Advisory Council and shall expire one (1) year thereafter; provided, that after November 1, 2007, if an employee has not been certified by the Nebraska Police Standards Advisory Council prior to the effective date of the entry-level appointment or employment in question, but holds law enforcement certification or other equivalent credentialing from a jurisdiction within the United States other than Nebraska at the effective date of such entry-level appointment or employment, the probationary period shall expire on the later of (1) one year after the effective date of the entry-level appointment or employment in question, or (2) six months after the date the employee receives certification by the Nebraska Police Standards Advisory Council.

2.) One Year Probationary Period for Non-Entry Level Law Enforcement Positions. In order to enable the City to exercise a choice in filling covered positions, no appointment, employment or promotion to a non-entry level law enforcement position (namely, a position, which has not been designated as an entry-level position by the City Administrator) shall be deemed complete until a one (1) year probationary period has expired. For an employee certified by the Nebraska Police Standards Advisory Council prior to the appointment, employment or promotion in question, the one (1) year probationary period shall begin at the date of the appointment, employment or promotion in question and shall expire one (1) year thereafter. For an employee who has not been certified by the Nebraska Police Standards Advisory Council prior to the appointment, employment or promotion in question, the one (1) year probationary period shall begin to run on the date of the employee's certification by the Nebraska Police Standards Advisory Council and shall expire one (1) year thereafter.

4.) "Grandfather" Provision. Employees who were employed in the Department as of January 1, 1997, and who, as of January 1, 1997, had not satisfactorily completed the former six (6) months probationary period established by the Commission's rules and regulations in effect prior to such date and applicable with respect to an appointment, employment or promotion, shall continue to be governed by the six (6) months probationary period respecting, but only respecting, that appointment, employment or promotion.

B. Failure of Probation. During the probationary period established by these rules and regulations which is applicable to the employee and appointment, employment or promotion in question, the City Administrator may terminate the employment of the person so appointed, employed or promoted if, during the performance test thus afforded and upon an observation or consideration of the performance of duty, the City Administrator deems such

person unfit or unsatisfactory for service in the department. The City Administrator may thereupon appoint one of the other persons certified by the Commission and such person shall likewise enter upon such duties until some person is found who is fit for appointment, employment or promotion for the probationary period provided and then the appointment, employment, or promotion shall be complete. If an employee appointed to a promotional position fails to perform the duties of such promotional position in a manner deemed acceptable by the City, then the City Administrator shall have the power and authority to return such employee to his former position and any other employees promoted by reason of the vacancy caused by the original promotion shall likewise be returned to their former positions at the option of the City Administrator.

Section 4.6 Temporary Appointments. If a vacancy occurs and there is no eligible list for the position or if the Commission has not certified persons from the eligible list, a temporary appointment may be made by the City Administrator. Such temporary appointment shall not continue for a period longer than four (4) months. No person shall receive more than one temporary appointment or serve more than four (4) months as a temporary appointee in any one (1) fiscal year.

ARTICLE V. DISCIPLINARY ACTIONS

Section 5.1 Tenure of Employment. The tenure of a person employed in a covered position shall be only during good behavior and shall begin only after the probationary period for the covered position has expired. No person shall be reinstated in or transferred, suspended, or discharged from any covered position contrary to the Civil Service Act.

Section 5.2 Cause for Disciplinary Action. Any non-probationary employee in a covered position may be removed or discharged, suspended with or without pay, demoted, reduced in rank, or deprived of vacation, benefits, compensation, or other privileges (except pension benefits) for any of the following reasons:

A. Incompetence, inefficiency, or inattention to or dereliction of duty;

B. Dishonesty, prejudicial conduct, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any act of omission or commission tending to injure the public service, any willful failure on the part of the employee to properly conduct himself or herself, or any willful violation of the Civil Service Act or the rules and regulations adopted pursuant to such act;

C. Mental or physical unfitness for the position, which the employee holds;

D. Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of his or her position;

E. Conviction of a felony or misdemeanor tending to injure the employee's ability to effectively perform the duties of his or her position; or

F. Any other act or failure to act which, in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Section 5.3 Disciplinary Action Procedure.

A. Tenure. No non-probationary police officer, non-probationary Police Chief shall be removed, suspended, demoted, or discharged, except for cause and then only upon the written accusation of the Police Chief, City Administrator or any citizen or taxpayer. In any disciplinary matter or proceeding under this Article, the City Administrator and Civil Service Commission shall take into account the accused employee's prior service and disciplinary record, including personnel file records.

B. Written Accusation. The written accusation shall set forth in general terms the alleged misconduct, charges, or grounds for investigation against the accused employee. The written accusation shall be filed by the complainant or accuser with the Secretary who shall cause a copy of such written accusation to be delivered within five (5) working days after the filing (a) to the Police Chief, (b) to the City Administrator, and (c) to the accused employee personally or by delivery, addressed to the employee and left at his or her residence address shown in the personnel records of the City. The Secretary shall cause a return (showing such delivery) to be executed and filed in the Secretary's office.

C. Suspension With Pay. The City Administrator shall have the authority to immediately suspend, with pay, an employee against whom such written accusation has been filed, pending reinstatement, removal, demotion, discharge, or further suspension (with or without pay) of the employee.

D. Action of Police Chief.

(1) Police Chief's Investigation. Prior to any decision by the City Administrator regarding a written accusation, the Police Chief shall, within thirty (30) calendar days after receiving the written accusation from the Secretary, investigate the alleged misconduct, charges, or grounds against the accused employee.

(2) Supplement of Accusation by Police Chief. If the Police Chief's investigation reveals other misconduct, charges, or grounds, the Police Chief shall supplement the written accusation to include the other misconduct, charges, or grounds by filing a written supplement to the written accusation with the Secretary who shall cause a copy of such supplemental accusation to be delivered within five (5) working days after the filing (a) to the City Administrator, and (b) to the accused employee, personally or by delivery, addressed to the employee and left at the residence address of the employee shown in the personnel records of the City. The Secretary shall cause a return (showing such delivery) to be executed and filed in the Secretary's office.

(3) Recommendation of Police Chief. Upon completion of the foregoing and within thirty (30) calendar days after receiving the written accusation from the Secretary, the Police Chief shall recommend in writing to the City Administrator whether the alleged misconduct, charges, or grounds set forth in the written accusation be deemed:

(a) To be without merit;

(b) To not warrant disciplinary action;

(c) To warrant disciplinary action less severe than removal, demotion, discharge, or suspension with or without pay, such as an oral or written reprimand; or

(d) To warrant removal, demotion, discharge, or suspension with or without pay.

(4) In the event that the Police Chief is the subject of a written accusation or is being disciplined, the City Administrator shall follow the same procedures as are followed by the Police Chief in disciplining police officers under these Rules and Regulations, except that the City Administrator shall not be required to submit a written recommendation for disciplinary action to himself or herself under the preceding section D.(3).

E. Action of City Administrator.

(1) City Administrator's Determination. The City Administrator shall decide whether to accept the recommendation of the Police Chief, or may decide that the alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation be deemed:

(a) To be without merit;

(b) To not warrant disciplinary action;

(c) To warrant disciplinary action less severe than removal, demotion, discharge, or suspension with or without pay, such as an oral or written reprimand; or

(d) To warrant removal, demotion, discharge, or suspension with or without pay.

(2) Notice and Opportunity for Presentation. The City Administrator shall not finally decide to impose a suspension without pay, a demotion resulting in a reduction in pay, or a discharge without first giving the accused employee notice of the charges against him or her, a summary explanation of the City's evidence, and an opportunity to present reasons, either in person or in writing, why the proposed disciplinary action should not be implemented.

(3) City Council Review. The decision of the City Administrator, if it is to impose a suspension of more than ten (10) working days, a demotion resulting in a reduction in pay, or a discharge, shall not be implemented until it has been approved by the City Council. The City Council may approve the decision of the City Administrator or modify it as the Council deems appropriate. Such approved or modified decision shall be deemed to be the decision of the Administrator for the purposes of subsequent procedures provided in these Rules and Regulations. If Council approval is required, the City Administrator shall, within twenty (20) working days after receiving the written recommendation of the Police Chief, file a copy of his or her decision with the City Clerk and request that the matter be reviewed by the City Council.

(4) Notice of Decision. Within twenty 20 working days after receipt of the written recommendation of the Police Chief when City Council review is not required, and

within twenty (20) working days after the City Council's approval or modification when City Council review is required, a copy of the City Administrator's decision shall be delivered (a) to the Secretary of the Commission, (b) to the Police Chief, and (c) to the accused employee personally or by delivery addressed to the employee and left at the residence address of the employee shown in the personnel records of the City. The City Administrator shall cause a return showing such delivery to be executed and filed in the office of the Secretary.

F. Demand for Investigation and Public Hearing. Any employee so removed, suspended, demoted or discharged may, within ten (10) calendar days after receiving written notice of the City Administrator's decision as approved or modified by the City Council if subject to City Council approval, file a written demand for an investigation and public hearing by the Civil Service Commission. The employee shall file the request for the hearing with the Secretary of the Commission and simultaneously mail or deliver a copy of the request to the City Administrator. The failure to file such a request with the Secretary of the Commission within ten (10) calendar days after the service of notice of the decision of the City Administrator shall constitute a waiver of the employee's right to review by the Civil Service Commission and the decision of the City Administrator, as approved or modified by the City Council if subject to City Council approval, shall become final.

G. City's Prehearing Statement. Within three (3) calendar days after receipt of the employee's timely written demand for investigation and public hearing, the City Administrator shall cause to be mailed or delivered to the employee at the employee's residence and to the Secretary of the Civil Service Commission a notice containing:

(1) A statement of the charge(s);

(2) The names of the witnesses who will or may be called on behalf of the City and a general statement of the nature of their testimony;

(3) Copies of any documents to be offered by the City in support of the charge(s);

H. Employee's Prehearing Statement. Within six (6) calendar days after the filing of the employee's timely written demand for an investigation and public hearing, or within three (3) calendar days following his/her receipt of the information required by Subsection 5.3.G. above, whichever is later, the employee shall mail or deliver copies of the following to both the City Administrator and the Secretary of the Civil Service Commission:

(1) Written response to the statement of the charge(s);

(2) The names of witnesses who will be called on behalf of the employee and a general statement of the nature of their testimony; and

(3) Copies of any documents to be offered by the employee in response to the charge(s).

I. City's List of Rebuttal Evidence. Within nine (9) calendar days after the filing of the employee's timely written demand for an investigation and public hearing, or within two (2) days following his/her receipt of the information required by Subsection 5.3.H above, whichever is later, the City Administrator shall cause to be delivered to the employee or to the employee's residence and to the Secretary of the Civil Service Commission a list of rebuttal evidence expected to be presented by the City at the hearing, including a list of any rebuttal witnesses with a general statement of the substance of their testimony and a list of any documents expected to be introduced to rebut the employee's evidence.

J. Deadlines Falling on Holidays. If any of the deadlines or time limits provided for in subsections B, D, E, G, H, or I of this Section 5.3 falls on a Saturday, Sunday or legal holiday observed by the City, then such deadline shall be extended to the end of the next working day. The failure of either party to meet any of such deadlines and timelines shall not prevent or bar the imposition of appropriate disciplinary action or result in the suspension, termination, or abatement of any disciplinary proceeding or disciplinary action previously imposed.

K. Investigation by Commission. Upon receipt of an employee's timely written demand for an investigation and public hearing, the Commission shall conduct an investigation. The Commission shall be represented in such investigation by the City Attorney, if authorized by the City Administrator. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission for any such investigation. The investigation shall be based upon a review of the materials filed by the City Administrator and by the employee with the Secretary of the Civil Service Commission and shall be confined to the determination of whether the disciplinary action was made in good faith for cause as defined in Section 1.14 of these Rules and Regulations. The Commission and its members may also review the submissions of the City Administrator and the employee to determine whether any individuals or documents should be subpoenaed by the Commission for the subsequent public hearing before the Commission**.**

L. Public Hearing Before Commission.

(1) Scheduling Hearing. The Commission shall schedule a public hearing to be held after the investigation and no less than ten (10) nor more than twenty (20) calendar days from the date of filing of the employee's written demand for an investigation and public hearing.

(2) Notice of Hearing. The Commission shall notify the City Administrator and the employee in writing at least three (3) calendar days prior to the date of the hearing, of the date, time and place of hearing.

(3) Subpoenas. On reasonable request of the employee, the City Administrator, or their respective legal representatives, the Chairperson of the Commission or any commissioner may issue subpoenas to require the attendance of witnesses and the production by them of books, papers, documents and accounts, and to cause the depositions of witnesses, residing within or without the state, to be taken in the manner prescribed by law for depositions in civil actions in the courts of Nebraska, so long as the taking of any such deposition does not require a delay in the holding of any hearing or other proceeding in the case. A sample of an acceptable subpoena form is attached as APPENDIX C.

(4) Commission's Legal Representation. The Commission may be represented at such hearing by the City Attorney, if authorized by the City Administrator. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission for such hearing. At its discretion, the Commission may ask its legal counsel to preside at the hearing, make evidentiary rulings, swear witnesses, and generally function as an administratively presiding officer in order that the members of the Commission may focus on the evidence presented.

(5) Presentation of City's Case. The City Administrator shall be permitted to appear in person and by counsel and to present the case of the City. The City Administrator may present evidence by testimony, documents and other exhibits and shall be permitted to cross-examine the employee's witnesses.

Presentation of Employee's Case. At the hearing, the employee shall be permitted to appear in person and by counsel and to present his or her defense. The employee may present evidence by testimony, documents and other exhibits and shall be permitted to cross-examine the witnesses called by the City.

(6) Recording and Transcription. All testimony at the hearing shall be transcribed by a court reporter, the services of whom shall be obtained by the Secretary.

M. Action of Commission. The Commission may take any of the following actions:

(1) The Commission may affirm the action taken by the City Administrator;

(2) If the Commission finds that the removal, suspension, demotion or discharge was made for political or religious reasons, or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of the employee in the position or

employment from which such employee was removed, suspended, demoted, or discharged, which reinstatement shall, if the Commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion or discharge;

(3) If the sanction imposed by the City Administrator is deemed to be too severe by the Commission, and was not made for political or religious reasons or in bad faith, the Commission may modify an order of removal, suspension, demotion, or discharge, by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay.

N. Certification of Commission's Findings. Within ten (10) calendar days after the hearing, the Commission shall certify its findings and decision in writing to the employee, and to the City Administrator who shall enforce them.

O. Appeal from Decision of Commission. Appeals from decisions of the Civil Service Commission may be taken to the District Court in the manner provided by law and upon the grounds allowable by law.

P. Time Limits. The time limits stated in subsections B, D, E, G, H, I, and L(2) of this Section 5.3 are directory and every reasonable effort shall be made to comply with them, but they shall not be considered or interpreted to be jurisdictional. The failure of either party to meet any of such deadlines and timelines shall not prevent or bar the imposition of appropriate disciplinary action or result in the suspension, termination, or abatement of any disciplinary proceeding or disciplinary action previously imposed.

ARTICLE VI. ADDITIONAL POWERS AND DUTIES OF COMMISSION

Section 6.1 Investigations. The Commission may conduct an investigation concerning, and report to the City Council, Mayor and City Administrator upon, all matters regarding the enforcement and effect of the Civil Service Act and the rules and regulations prescribed hereunder.

Section 6.2 Inspections. The Commission may inspect all institutions, departments, positions, and employments affected by the Civil Service Act to determine whether the Act and these Rules and Regulations are being obeyed. Such investigations may be conducted by the Commission or by any Commissioner designated by the Commission for that purpose.

The Commission shall also make a like investigation on the written petition of a citizen, duly verified, stating that irregularities or abuses exist or setting forth, in concise language, the necessity for such an investigation. The City Attorney shall provide general legal counsel to the Commission in relation to such an investigation, unless the Mayor determines special counsel is necessary. If the Mayor determines special counsel is necessary, the Commission may be represented by special counsel appointed by the Commission in any such investigation. In the course of such an investigation, the Commission, designated Commissioner, or chief examiner shall have the power to administer oaths, issue subpoenas to require the attendance of witnesses and the production of them of books, papers, documents, and accounts appertaining to the investigation, and to cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the courts of this state. The oaths administered and subpoenas issued shall have the same force and effect as the oaths administered by a district judge in a judicial capacity and subpoenas issued by the district courts of Nebraska. The failure of any person so subpoenaed to comply shall be deemed a violation of the Civil Service Act and shall be punishable as such. No investigation shall be made pursuant to this Section of these Rules and Regulations if there is a written accusation concerning the same subject matter against a person in the Civil Service. Such accusation shall instead be handled pursuant to Article V of these Rules and Regulations.

Section 6.3 Roster. The Commission shall establish and maintain a roster of officers and employees in covered positions in the Police Department. Such roster shall be retained and kept current by the Secretary, and shall show, for each employee, his or her name, date of hire, rank, salary or pay grade, and date of attainment of non-probationary status.

Section 6.4 Access to Rules and Regulations. At least one copy of the Rules and Regulations and any amendments thereto shall be made available for examination and reproduction by members of the

public by placing a copy on file with the Clerk of the City of La Vista. In addition, one copy of the Rules and Regulations and any amendments thereto shall be given to each full-time police officer.

Section 6.5 Reduction in Force Recommendations. The Commission will furnish its recommendations to the Mayor and City Council concerning any proposed reduction in force policy.

Section 6.6 Civil Suits. The Commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of the Civil Service Act and the Rules and Regulations of the Commission. The Commission shall be represented in such suits and all investigations pursuant to the Act by the City Attorney, unless the Mayor determines special counsel is necessary. If the Mayor determines special counsel is necessary, the Commission may be represented by special counsel appointed by it in any particular case.

ARTICLE VII. MISCELLANEOUS

Section 7.1 Phase-in Provisions. All procedural and substantive decisions made by the La Vista Civil Service Commission existing and operating prior to the enactment of Ordinance No. 395 and the appointment of the new Commissioners thereunder shall continue in effect, unless inconsistent with state law and/or Ordinance No. 395 and any amendments thereto. Thus, tests and eligible lists established prior to the enactment of Ordinance No. 395 shall continue in full force and effect until superseded by action of the Commission.

Section 7.2 Conflict. In case of conflict between the provisions of these Rules and Regulations and either the Nebraska Statutes or the Code, as either may be amended from time to time, provisions of the Code and Nebraska Statutes shall control over provisions of these Rules and Regulations and provisions of the Nebraska Statutes shall control over provisions of the Code.

Section 7.3 Gender. The terms "he" or "him" and all other references to the male gender shall be equally applicable to the female gender.

Section 7.4 Governing Law. All hearings and investigations before the Commission, a designated Commissioner, or the Chief Examiner shall be governed by the Nebraska Civil Service Statutes and these Rules and Regulations. The Commission, designated Commissioner, or Chief Examiner shall not be bound by technical rules of evidence. No informality in any proceeding or hearing or in any manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the Commission, except that no order, decision, rule, or regulation made by any designated Commissioner conducting any hearing or investigation alone shall be of any force or effect unless it is concurred in by a majority of the appointed members of the Commission, including the vote of any Commissioner making the investigation.

Section 7.5 Amendments to Rules and Regulations. These Rules and Regulations may be amended from time to time upon a vote of a majority of the members of the Commission.

APPENDIX A

BACKGROUND INVESTIGATIONS

In order to have a workable system for assessing results of background investigations, the following method is adopted and will be utilized regarding entry-level positions.

Each candidate concerning whom a background investigation is to be conducted shall begin the background investigation process with 100 points. Penalty deductions of points will be made from such 100 points for items discovered during the background investigation which detrimentally reflect upon the candidate's fitness to be a police officer. Deductions shall be made in accordance with the TABLE OF DEDUCTION POINTS set forth below. The assessment of point value deductions will be completed by the Police Chief, based on information provided by background investigators, subject to review by the Civil Service Commission. Pursuant to Section 3.1.A of these Rules, the City Administrator shall determine the minimum acceptable score respecting such background investigations and shall advise the Secretary in writing of such minimum acceptable score. The City Administrator may change such minimum acceptable background investigation score from time to time, but any such change shall operate prospectively only and shall not apply respecting the filling of a then vacant position.

The results and scoring of all background investigations, and Department Interview Questions, and supporting information and reports, shall be forwarded to the Secretary for deposit upon completion of the investigations. The Commission shall review the results and scoring of the background investigations, the Department Interview Questions, and supporting information and reports. The Commission shall then proceed to the Civil Service Commission Interviews phase of the investigation into the qualifications of the candidates.

TABLE OF DEDUCTION POINTS

Point Deductions		**Points**
I.	Felony Conviction or Failure to Meet Minimum Qualifications for Appointment	-100 pts.
II.	Intentional Falsehood on Application	-100 pts.
III.	Failure to complete a City Employment application or failure to report for any portion of the examination or interview process	-100 pts.
IV.	Intentional Omission from Application	-50 pts. each
V.	Unintentional Omission from Application	-2 pts. each
VI.	Misdemeanor Convictions	
	A. Domestic Violence	-100 pts.
	B. Crimes involving Moral Turpitude	-100 pts.
	C. Serious Violations (Theft, assault, child abuse, etc.)	
	Within past 7 years-	50 pts. each
	Over 7 years	-25 pts. each
	D. Convictions for the following (within past 2 years)	
	1. DUI or DWI	-100 pts.
	2. Possession of Marijuana	-100 pts.
	Convictions for the following (within past 2-7 years)	
	1. DUI or DWI	-50 pts. each
	2. Possession of Marijuana	-50 pts. each
	E. I Misdemeanors (Class I-III)	
	Class 1	-100 points
	Class II-III Within past 2 years	-100 points
	ClassII-III Between 2-7 years	-25 pts. each
	F. General Misdemeanors (Class IV-V, i.e. MIP, etc)	
	Within past 2 years	-10 pts. each
	Between 2-7 years	-2 pts. each

VII. Prior Drug Use

A.	Use of Marijuana within the last 2 years	-100 pts.
B.	Distribution/Sale of Marijuana (within last 7 years)	-100 pts.
C.	Use of Marijuana between 2-5 years	-10 pts.
D.	Use of Illegal Narcotics (within last 5 years) (including but not limited to prescription medication, cocaine, heroin, methamphetamine, crack, etc.)	-100 pts.
E.	Use of Illegal Narcotics (over 5 years from date of application)	-20 pts.
F.	Sales/Distribution of Illegal Narcotics	-100 pts.

VIII. Traffic Convictions (within last 7 years).

A.	Minor Traffic offenses	-2 pts. each
B.	Serious Traffic offenses (reckless, etc.)	-15 pts. each
C.	Willful Reckless Driving	-25 pts. each
D.	Motor Vehicle Homicide	-100 pts. each
E.	Driving Under Suspension	-10 pts. each
F.	Preventable Vehicular Accidents	-5 pts. each

IX. Work History Within Last 3 Years

A.	Discharged for Theft	-100 pts.
B.	Requested to resign in-lieu-of discharge	-25 pts. each
C.	Discharged for cause	-25 pts. each
D.	Inability to maintain regular and dependable attendance on the job	-25 pts. each

X. Negative Recommendation from Chief of La Vista Police Department (applicable to Police Department positions only).
(Must be based upon a reason or reasons, other than those listed above, deemed adequate by the Police Chief to render the candidate an unsuitable candidate for appointment, and must be communicated to the Civil Service Commission, prior to or at the time the Commission determines the candidates to be interviewed. The Commission must concur on such recommendation.) -50 pts.

APPENDIX B(1)

NON-ENTRY LEVEL APPOINTMENT PROCEDURES MANUAL

Section I. **Background Investigation**

1. **Police Position Applicants Not Currently La Vista Police Department Employees:**
   - **A.** The background investigation shall be conducted by personnel assigned by the Police Chief utilizing the same training, investigative procedures and reporting requirements (but not scoring methodology) as utilized for entry level police officers*. The investigator conducting a background investigation will contact the applicant and others, and request the following information.
   - **B.** Applicant must submit to the background investigator copies of his/her previous three years performance evaluations.
   - **C.** Investigator will speak to as many current supervisors, subordinates and co-workers of or at the applicant's previous employer(s) as shall be deemed necessary by the investigator to assist in assessing the applicant's suitability for appointment.
   - **D.** A full description of all verifiable training received in the previous three years, and other training which may be beneficial to the applicant, must be provided to the investigator by the applicant.
   - **E.** Copies of awards, commendations, etc., must be provided to the investigator if the applicant requests that they be considered.
   - **F.** Proof of educational qualifications (e.g., copies of diplomas, certificates, etc.) must be provided to the investigator by the applicant.
   - **G.** Applicants must provide copies of all disciplinary actions received in the most recent 36 months preceding the date of application.

2. **Police Position Applicants who are Current Employees of the La Vista Police Department Applying for Positions Other Than Promotions:** Must, in writing, authorize background investigators to:
   - **A.** Obtain copies of the last three years' performance evaluations for the applicant.
   - **B.** Review and verify the applicant's City of La Vista personnel file and similar documentary records, and all documentation of any special education received which may be beneficial to the position being sought.
   - **C.** Obtain any disciplinary actions taken against the employee which remain in his/her personnel file. Such action(s) will be copied and included in the final report.

3. **Evaluation of Background Investigation Results by the Police Chief or His/Her Designee.**
   - **A.** The Police Chief or his/her designee will review the final report submitted by each background investigator.
   - **B.** Performance evaluations will be scored from the summary evaluation section on a scale of one through five, with five being consistently superior.
     (1) Evaluations will be averaged to obtain a final score.

NON-ENTRY LEVEL APPOINTMENT PROCEDURES MANUAL (cont'd)

(2) Performance evaluations of outside applicants which are not in the same format as La Vista Police Department evaluations will be reviewed by the Police Chief or his/her designee and assigned a score based on the criteria utilized by the City of La Vista Police Department in evaluating its current employees.

(3) Those applicants whose departments do not have a performance evaluation system will be required to sign a specific release for investigators to interview current and previous supervisors for the purpose of obtaining information concerning past performance. The investigator, subject to review by the Police Chief or his/her designee, will assign a score based on the results of such interviews, utilizing the criteria utilized by the City of La Vista Police Department in evaluating its current employees.

C. A score of one through five will be awarded by the Police Chief or his/her designee for outside achievement and general suitability for appointment.

(1) Positive accomplishments such as awards, commendations, and outside education will be weighed against disciplinary actions received.

D. Other matters, such as those listed in the TABLE OF DEDUCTION POINTS in **APPENDIX A** to the Rules and Regulations of the La Vista Civil Service Commission, may be considered in determining points awarded under this Section I.*

E. Total percentage points available under this Section I is ten (10) (namely, five points for evaluations and five points for outside achievement and general suitability for appointment).

- **Any applicant whose background investigation reveals any of the following will be eliminated from progressing further in the process:**

a. Felony Conviction;

b. Applicant does not meet the minimum requirements for the position;

c. Serious misdemeanor;

d. Acts involving moral turpitude; or

e. Intentional falsehoods on the application.

Section II. **<u>Testing Process</u>**

1. **Background Investigation:** Upon completion of the background investigation, an applicant may be eliminated due to an unfavorable background investigation. Applicants not eliminated will receive between one (1) and ten (10) percentage points for the background investigation element. Refer to the section on background investigations. (Appendix B(1). Section I).

2. **Written Test:** A prepared written test purchased from an outside vendor, and approved by a majority of the members of the Commission, shall be utilized.

A. A copy of a bibliography of reading material recommended to prepare for this test shall be made available to any applicant on request, if such a bibliography has been received by the Commission.

B. An applicant may receive up to twenty (20) percentage points for the written test element.

NON-ENTRY LEVEL APPOINTMENT PROCEDURES MANUAL (cont'd)

3. **Oral Questions:** A panel of interviewers, appointed by the Police Chief, will conduct interviews of all applicants. Present to observe during the questioning will be at least one Commissioner and/or, if requested by the Commission, the Secretary. A series of questions prepared by the Police Chief and approved by the Commission will be asked of each candidate. Each candidate will be asked the same questions. Each member of the panel will score the responses to the questions on a zero to ten (10) point scale as follows:
   - **A.** ZERO - The candidate failed to answer any part of the question correctly.
   - **B.** ONE POINT – THREE POINTS The candidate partially answered the question correctly, however, the answer was not complete in one or more important respects.
   - **C.** FOUR POINTS – SIX POINTS The candidate's answer was basically correct. However, some portion of the answer was omitted and/or incorrectly stated in one or more minor respects
   - **D.** SEVEN POINTS – NINE POINTS The candidate correctly answered all portions of the question and possessed a good knowledge of the subject.
   - **E.** TEN POINTS – The candidate answered all portions of the question and possessed a thorough understanding of the subject.

   The scores received from each member of the panel on the answer to each question will be averaged to obtain the final score for each question. In awarding points, the computed average will be rounded to the nearest one-half point.

   An applicant can receive up to 35 percentage points for the oral questions element.

4. **Civil Service Commission Interviews:** The scores from the three previous elements of the screening process will be deposited with the Secretary promptly upon the completion of each element. The Secretary will total each candidate's scores on the three elements completed to that point and determine the ten (10) candidates having the highest total scores to that point and satisfying all minimum qualifications and criteria for the position. Those ten (10) candidates will then be scheduled for interviews with the Commission. (If there are less than ten (10) applicants remaining under consideration at this point in the process, all of the applicants remaining under consideration will be scheduled for interviews with the Commission.)

   The Civil Service interviews will consist of two phases:

   - **A.** A written assignment will be completed by the candidate for review by the Commission. The candidate will be given the assignment prior to the interview date and the assignment will be due at a date prior to the interview. The Commission will review the written assignments with credit given equal to one oral question.
   - **B.** The Commission will ask each interviewed candidate a series of equally weighted questions, the answers to which shall be scored by members of the Commission. The questions shall be the same for each candidate interviewed.

   A candidate may receive up to a possible 35 percentage points for the Civil Service Commission interviews element of the process.

NON-ENTRY LEVEL APPOINTMENT PROCEDURES MANUAL (cont'd)

Section III. Weighing of Each Element of the Process

Elements	
1. Background Report	10%
2. Written Test	20%
3. Oral Questions	35%
4. Civil Service Commission Interview	35%
Total	100%

Section IV. Selection

1. The Civil Service Commission will certify an eligibility list of three qualified applicants for each vacancy.

2. The list will be valid for a period of one year from the date of testing.

3. Once the list is provided to the City Administrator, the City Administrator may choose any applicant from the list without regard to ranking. The City Administrator's conditional appointment is contingent on Mayor and City Council approval*. As provided in section 19-1829 of the Civil Service Act, in filling a vacancy in a covered position, consideration shall be given to factors including, but not limited to:

(A) The multiple job skills recently or currently being performed by the applicant which are necessary for the position;

(B) The knowledge, skills, and abilities of the applicant which are necessary for the position;

(C) The performance appraisal of any applicant who is already employed in the department, including any recent or pending disciplinary actions involving the employee;

(D) The employment policies and staffing needs of the department together with contracts, ordinances, and statutes related thereto;

(E) Required federal, state, or local certifications or licenses necessary for the position; and

(F) The qualifications of the applicants who are already employed in the department and have successfully completed all parts of the examination for the position.

* All conditional appointees not currently La Vista Police Department sworn employees must successfully complete a medical examination, physical dexterity exam, drug screen, and psychological test prior to final confirmation of appointment by the City Administrator.

Section V. Chief of Police Position Vacancy; Exceptions.

1. If the vacant position in question is that of Chief of Police:

A. The City Administrator, with the assistance of such other City employees or officials as he or she may designate, shall perform the duties assigned to the Chief of Police under this **Appendix B**(1);

NON-ENTRY LEVEL APPOINTMENT PROCEDURES MANUAL (cont'd)

B. The background investigations shall be conducted by such individual(s) or agency(ies) as may be designated by the City Administrator and approved by the Chairperson of the Civil Service Commission;

C. The City Administrator may, with the approval of the Chairperson of the Civil Service Commission, modify or adapt the specific procedures of this **Appendix B**(1) so as to insure that the testing and selection process for the position is based on merit, efficiency and fitness as ascertained by open competitive examination and impartial investigation; and

D. In the event of an appeal under Section VI of this **Appendix B**(1), the functions of the City Administrator under such Section VI shall be performed by the City Administrator. However, if the individual appealing is dissatisfied with the final decision of the City Administrator on such an appeal, the individual may submit a written appeal of the City Administrator's decision to the Civil Service Commission. The written appeal to the Commission shall be filed with the Secretary/Examiner of the Commission within two (2) business days after the individual desiring to appeal receives a copy of the City Administrator's decision. The Secretary/Examiner of the Commission shall provide a copy of the written appeal to the City Administrator and to each member of the Commission. The City Administrator shall respond in writing upon the written appeal as expeditiously as possible, and provide a copy of the response to the individual appealing, the Secretary/Examiner of the Commission, and each member of the Commission. The Commission shall then proceed to resolve the appeal on the record so submitted as expeditiously as possible. Alternatively, the Commission may request the individual appealing and/or the City Administrator to appear before the Commission and be heard, but shall not be required to do so. The decision of the Commission shall be in writing and shall be final. Copies of the Commission's decision shall be provided or mailed to the Secretary/Examiner of the Commission, the City Administrator and the individual appealing.

Section VI. Appeal Process

1. Criteria for Appeal

A. Any applicant may appeal any or all portions of the process, subject to the limitations of this Section VI.

B. Appeals must be filed with the City Administrator within two working days of completion of that portion of the screening appealed. A copy of the appeal must also be filed with the Civil Service Secretary/Examiner. The appeal must be in writing and contain the following information:

1) Exact nature of the appeal, including a specific description of the alleged violation of procedure.
2) Where and when the alleged violation of procedure occurred.
3) Names of personnel involved in the alleged violation.
4) Desired remedy if the alleged violation is substantiated.

C. Only the following areas may be appealed:

1) Accuracy of scoring and grading of any written examination.
2) The written results of any scored elements of the selection process.
3) The decisions and scoring utilized concerning background investigation report.

NON-ENTRY LEVEL APPOINTMENT PROCEDURES MANUAL (cont'd)

4) Failure to follow the procedures described in this **Appendix B(1)** or in applicable rules and regulations of the Civil Service Commission.
5) Any alleged discrimination based on race, color, creed or other protected status.
6) Misconduct by either other applicant(s) or an examiner or investigator during the administration of any element of the screening or testing process.

2. Appeal Review

A. The City Administrator will fix a date, time and place for an informal review for each appeal within two working days of receipt of the appeal.

B. The applicant will at that time present his/her evidence/information supporting the appeal. The applicant will appear in person at the review proceeding. However, the evidence may be presented by a collective bargaining representative or an attorney retained by the applicant at the applicant's expense.

C. Present at the appeal review proceeding will be the Civil Service Secretary/Examiner, Police Chief, and Department Personnel Officer. These individuals will answer to the City Administrator with regard to the applicant's allegations.

3. Findings

A. The City Administrator will, within two working days of completion of the appeal review proceeding, make a written decision as to the appeal. The City Administrator may find any of the following:

1) That the allegations are without merit and no further action should be taken.
2) That the allegations, while containing merit, do not rise to the level which would affect or which affected an applicant in such a negative manner as to reduce his/her ability to be appointed. Modifications of future testing or other recommendations may be made. However, no change in the current selection process is ordered.
3) That the allegations contain significant merit and have adversely affected an applicant's ability to be appointed. The City Administrator, upon making this determination, may require participants in the process who are within the City Administrator's line of supervision to repeat or remedy an element of the selection process. If the City Administrator determines that the violation and/or its effects is or are so prejudicial to an applicant or applicants as to warrant a complete re-examination, or that only the Civil Service Commission may remedy the matter, the City Administrator will request the Commission to conduct a re-examination or otherwise remedy the matter.

B. The City Administrator's decision shall be considered final on all appeals of the process.

C. All time frames and deadlines described or specified in this section VI.3 of this APPENDIX B(1) are directory and every reasonable effort shall be made to meet or satisfy them. However, those time limits and deadlines are not mandatory or jurisdictional, and failure to meet or satisfy them will not invalidate any decision made or action taken.

APPENDIX B(2)

NON-ENTRY LEVEL PROMOTION PROCEDURES MANUAL

Section I. **Background Investigation**

1. The background investigation for a promotional position shall be conducted by the Police Chief or Chief's designee utilizing the same training, investigative procedures and reporting requirements (but not scoring methodology*) as utilized for other appointments under these Rules. The investigator conducting a background investigation will contact the applicant and others and request or obtain such information as the investigator determines necessary in connection with such investigation and evaluating the applicant under the criteria in subsection 3 below or as otherwise required by or to carry out the Civil Service Act, including without limitation Neb. Rev. Stat. Sections 19-1829, 19-1831 and 19-1835.

2. Applicants must, in writing, authorize background investigators to:

A. Obtain copies of the last three years' performance evaluations for the applicant.
B. Review and verify the applicant's City of La Vista personnel file and similar documentary records, and all documentation of any required education for the position being sought.
C. Obtain any disciplinary actions taken against the employee which remain in his/her personnel file. Such action(s) will be copied and included in the final report.
D. Carry out the requirements of Neb. Rev. Stat. Section 19-1831.

***3. Evaluation of Background Investigation Results by the Police Chief or His/Her Designee.**

A. The Police Chief or his/her designee will review and score the final report submitted by each background investigator as follows, based on a total possible four points:

Criteria	Points
Satisfies minimum post-secondary educational requirement For sergeant promotional positions - 60 credit hours For captain promotional positions - Bachelor's degree or 120 credit hours	1
Had "successful" or better performance evaluations each of the last 3 years	1
Has not been formally disciplined within the last 3 years	1
Does not have any matter listed in items I thru IX of APPENDIX A, excluding items V, VIIIA and VIIIF	1
TOTAL POSSIBLE POINTS	**4**

NON-ENTRY LEVEL PROMOTION PROCEDURES MANUAL (CONT'D)

B. The background investigation described in this Section I will be on a pass/fail basis. An applicant will be completely disqualified from consideration if he or she fails to achieve a minimum acceptable score for the background investigation of at least four points. The City Administrator from time to time may change such minimum acceptable score by communicating such change to the Secretary in writing; provided, however, any such change shall operate prospectively with respect to any process to fill a promotional position that begins after such change is communicated to the Secretary, and provided further, any such change shall be subject to subsequent review and modification if elected by a majority of a quorum of the Commission.

Section II. **Testing Process**. Applicants who achieve at least the minimum acceptable score for the background investigation pursuant to Section I will be allowed to participate in the testing process described in this Section II.

1. **Written Test:** A prepared written test and associated scoring methodology purchased from an outside vendor, and approved by a majority of a quorum of the members of the Commission, shall be utilized

A. A copy of a bibliography of reading material recommended to prepare for this test shall be made available to any applicant on request, if such a bibliography has been received by the Commission.

B. An applicant may receive up to thirty (30) percentage points for the written test element.

2. **Assessment Center:** An assessment center method of examination and associated scoring methodology, purchased from an outside vendor and approved by a majority of a quorum of the Commissioners, shall be utilized that consists of a series of oral and written assignments, exercises, tests and interviews (each referred to herein as a "Testing Segment") designed to assess an applicant's skills, proficiencies and suitability for a promotional position. Scenarios and other content of the exercises, tests and interviews will be developed by the vendor in consultation with the Police Chief, or Chief's designee, and the Chairperson of the Commission, to include scenarios and situations that might be encountered in the promotional position. One or more panels selected by the vendor and approved by the Police Chief will be assembled to evaluate and score applicant performance on the Testing Segments using the scoring methodology associated with the assessment center. If more than one panel is used for the assessment center, each panel will evaluate all candidates. Present to observe during the assessment center will be at least one Commissioner and/or, if requested by the Commission, the Secretary. Each candidate will be presented with the same exercises, tests and interviews. Each member of a panel will score each applicant, and the scores of all members of the panel averaged or otherwise used to determine the applicant's overall score from the panel. Testing Segment and overall scores on assessment center examinations will be weighted and otherwise determined for each applicant in accordance with the scoring methodology associated with the assessment center.

A. Reading materials or other information that the vendor makes available to applicants to prepare for the assessment center will be provided to any applicant upon request.

NON-ENTRY LEVEL PROMOTION PROCEDURES MANUAL (CONT'D)

B. An applicant can receive up to sixty (60) percentage points for the assessment center exercises.

3. **Civil Service Commission Interviews:** The scores from the three previous elements of the screening process will be deposited with the Secretary promptly upon the completion of each element. In awarding or calculating points for any element, or determining points for any other purposes, the computed average will be rounded to the nearest one-half point unless otherwise provided by the applicable scoring methodology of the written test or assessment center. The Secretary will total each candidate's scores on the written test and assessment center elements completed to that point and determine the ten (10) candidates having the highest total scores to that point and satisfying all minimum qualifications and criteria for the position. Those ten (10) candidates will then be scheduled for interviews with the Commission. (If there are less than ten (10) applicants remaining under consideration at this point in the process, all of the applicants remaining under consideration will be scheduled for interviews with the Commission.)

The Commission will ask each interviewed candidate a series of equally weighted questions. Such interview questions and scoring factors and scale, designed to assess the suitability of candidates for the promotional position, will be prepared in advance by the Police Chief or his or her designee and approved by the Chairperson. The questions shall be the same for each candidate interviewed. Answers shall be scored by members of the Commission.

A candidate may receive up to a possible ten (10) percentage points for the Civil Service Commission interviews element of the process.

Section III. Weighing of Each Element of the Process

Scores of applicants on each element of the process will be determined, and those scores will be weighted as follows to determine the total score of each applicant. Scoring will be provided to the Commission.

	Elements	
1.	Background and Promotion Report	Pass/Fail
2.	Written Test	30%
3.	Assessment Center	60%
4.	Civil Service Commission Interview	10%
	Total	100%

Section IV. Selection

1. The Civil Service Commission will certify an eligibility list of the three qualified applicants for each vacancy who are highest on the list. If requests are made simultaneously for more than one vacancy in the same position to which an eligibility list applies, the Commission shall certify one additional name, if available, for each additional vacancy for which request is made.

NON-ENTRY LEVEL PROMOTION PROCEDURES MANUAL (CONT'D)

2. The list will be valid for a period of two years from the date the list is certified.

3. Once a list of three qualified applicants is provided to the City Administrator, the City Administrator, in consultation with the Police Chief, may choose any applicant from the list without regard to ranking. If the list contains more than three names because there is more than one vacancy in the same position to which an eligibility list applies, the City Administrator when filling any such vacancy may choose any of the three highest applicants remaining on the list when the vacancy is filled, without regard to ranking.

4. The City Administrator's conditional promotion is contingent on Mayor and City Council approval. As provided in section 19-1829 of the Civil Service Act, in filling a vacancy in a covered position, consideration shall be given to factors including, but not limited to:

(A) The multiple job skills recently or currently being performed by the applicant which are necessary for the position;

(B) The knowledge, skills, and abilities of the applicant which are necessary for the position;

(C) The performance appraisal of any applicant who is already employed in the department, including any recent or pending disciplinary actions involving the employee;

(D) The employment policies and staffing needs of the department together with contracts, ordinances, and statutes related thereto;

(E) Required federal, state, or local certifications or licenses necessary for the position; and

(F) The qualifications of the applicants who are already employed in the department and have successfully completed all parts of the examination for the position.

4. An applicant's scores will be available for the applicant to review for 30 calendar days after the list is provided to the City Administrator pursuant to subsection 1 above.

Section V. **<u>Chief of Police Position Vacancy; Exceptions.</u>**

1. If the vacant position in question is that of Chief of Police:

A. The City Administrator, with the assistance of such other City employees or officials as he or she may designate, shall perform the duties assigned to the Chief of Police under this **Appendix B(2)**;

B. The background investigations shall be conducted by such individual(s) or agency(ies) as may be designated by the City Administrator and approved by the Chairperson of the Civil Service Commission;

C. The City Administrator may, with the approval of the Chairperson of the Civil Service Commission, modify or adapt the specific procedures of this **Appendix B(2)** so as to insure that the testing and selection process for the position is based on merit, efficiency and fitness as ascertained by open competitive examination and impartial investigation; and

D. In the event of an appeal under Section VI of this **Appendix B(2)**, the functions of the City Administrator under such Section VI shall be performed by the City Administrator. However, if the individual appealing is dissatisfied with the final decision of the City Administrator on such an appeal, the individual may submit a

NON-ENTRY LEVEL PROMOTION PROCEDURES MANUAL (CONT'D)

written appeal of the City Administrator's decision to the Civil Service Commission. The written appeal to the Commission shall be filed with the Secretary/Examiner of the Commission within two (2) business days after the individual desiring to appeal receives a copy of the City Administrator's decision. The Secretary/Examiner of the Commission shall provide a copy of the written appeal to the City Administrator and to each member of the Commission. The City Administrator shall respond in writing upon the written appeal as expeditiously as possible, and provide a copy of the response to the individual appealing, the Secretary/Examiner of the Commission, and each member of the Commission. The Commission shall then proceed to resolve the appeal on the record so submitted as expeditiously as possible. Alternatively, the Commission may request the individual appealing and/or the City Administrator to appear before the Commission and be heard, but shall not be required to do so. The decision of the Commission shall be in writing and shall be final. Copies of the Commission's decision shall be provided or mailed to the Secretary/Examiner of the Commission, the City Administrator and the individual appealing.

Section VI. Appeal Process

1. Criteria for Appeal

A. Any applicant may appeal any or all portions of the process, subject to the limitations of this Section VI.

B. Appeals must be filed with the City Administrator within two working days of completion of that portion of the screening appealed. A copy of the appeal must also be filed with the Civil Service Secretary/Examiner. The appeal must be in writing and contain the following information:

1) Exact nature of the appeal, including a specific description of the alleged violation of procedure.
2) Where and when the alleged violation of procedure occurred.
3) Names of personnel involved in the alleged violation.
4) Desired remedy if the alleged violation is substantiated.

C. Only the following areas may be appealed:

1) Accuracy of scoring and grading of any written examination.
2) The written results of any scored elements of the selection process.
3) The decisions and scoring utilized concerning background investigation and promotion reports.
4) Failure to follow the procedures described in this **Appendix B(2)** or in applicable rules and regulations of the Civil Service Commission.
5) Any alleged discrimination based on race, color, creed or other protected status.
6) Misconduct by either other applicant(s) or an examiner or investigator during the administration of any element of the screening or testing process.

2. Appeal Review

A. The City Administrator will fix a date, time and place for an informal review for each appeal within two working days of receipt of the appeal.

NON-ENTRY LEVEL PROMOTION PROCEDURES MANUAL (CONT'D)

B. The applicant will at that time present his/her evidence/information supporting the appeal. The applicant will appear in person at the review proceeding. However, the evidence may be presented by a collective bargaining representative or an attorney retained by the applicant at the applicant's expense.

C. Present at the appeal review proceeding will be the Civil Service Secretary/Examiner, Police Chief, and Department Personnel Officer. These individuals will answer to the City Administrator with regard to the applicant's allegations.

3. Findings

A. The City Administrator will, within two working days of completion of the appeal review proceeding, make a written decision as to the appeal. The City Administrator may find any of the following:

1) That the allegations are without merit and no further action should be taken.
2) That the allegations, while containing merit, do not rise to the level which would affect or which affected an applicant in such a negative manner as to reduce his/her ability to be promoted. Modifications of future testing or other recommendations may be made. However, no change in the current selection process is ordered.
3) That the allegations contain significant merit and have adversely affected an applicant's ability to be promoted. The City Administrator, upon making this determination, may require participants in the process who are within the City Administrator's line of supervision to repeat or remedy an element of the selection process. If the City Administrator determines that the violation and/or its effects is or are so prejudicial to an applicant or applicants as to warrant a complete re-examination, or that only the Civil Service Commission may remedy the matter, the City Administrator will request the Commission to conduct a re-examination or otherwise remedy the matter.

B. The City Administrator's decision shall be considered final on all appeals of the process.

C. All time frames and deadlines described or specified in this section VI.2 or 3 of this APPENDIX B(2) are directory and every reasonable effort shall be made to meet or satisfy them. However, those time limits and deadlines are not mandatory or jurisdictional, and failure to meet or satisfy them will not invalidate any decision made or action taken.

APPENDIX C

SAMPLE SUBPOENA

BEFORE THE CIVIL SERVICE COMMISSION OF THE CITY OF LA VISTA, NEBRASKA

In the Matter of the Appeal of]
]
] **SUBPOENA**
_____]

_TO: (Name)_____
_(Address)_____
_____

YOU ARE HEREBY COMMANDED, pursuant to the authority conferred upon this Commission by the statutes of the State of Nebraska, Section 19-1830(5), TO APPEAR BEFORE THIS COMMISSION AND GIVE TESTIMONY on behalf of _____ in the above-entitles cause, at _____, La Vista, Nebraska, on the _____ day of _____, 20____, at _____ o'clock _____.M.

YOU ARE HEREBY FURTHER COMMANDED to bring with you the following books, papers, documents, and things:

_____

_____

HEREOF FAIL NOT UNDER PENALTY OF LAW.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

_____
Member, Civil Service Commission of the City of La Vista, Nebraska

Return of Officer Making Service

STATE OF NEBRASKA]
] ss.
COUNTY OF _____]

Having been first duly sworn upon oath, I hereby certify that I received this Subpoena on the _____day of _____, 20____, and that I personally served same on the above-named _____ _____ by (check one):

____ delivering of the original copy hereof to him/her in Sarpy County, Nebraska on the _____day of _____, 20____, at _____o'clock ____.M.,

____ mailing the original copy hereof to him/her by certified United States mail, postage prepaid, return receipt requested, addressed to him/her at his/her usual place of residence in Sarpy County, Nebraska, same being (address) _____. A copy of the signed receipt is attached hereto.

_____
Signature
Title: _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____
Notary Public