

## POLICY REFERENCE MANUAL

### Section 400 Personnel

- 401 Guiding Principles for Employees
  
- 402 Employees and Internal Relations**
  - 402.01 Equal Opportunity Employment
  - 402.02 Employee Orientation
  - 402.03 Employee Conflict of Interest
  - 402.04 Nepotism
  - 402.05 Employee Grievances
  - 402.06 Employee Records
  - 402.07 Transporting of Students by Employees
  - 402.08 Employee Travel Compensation
  - 402.09 Recognition for Service of Employees
  - 402.10 Employee Political Activity
  - 402.11 Credit Cards
  - 402.12 Employee Involvement in Decision Making
  - 402.13 Communications with Employees
  - 402.14 Employee Use of District Technology
  
- 403 Employees and Outside Relations**
  - 403.01 Release of Credit Information
  - 403.02 Child Abuse Reporting
  - 403.03 Abuse of Students by School District Employees
  - 403.04 Gifts to Employees
  - 403.05 Public Complaints about Employees
  - 403.06 Employee Outside Employment
  
- 404 Employee Health and Well-Being**
  - 404.01 Employee Physical Examinations
  - 404.02 Employee Injury on the Job
  - 404.03 Employees' Personal Security and Safety
  - 404.04 Communicable Diseases - Employees
  - 404.05 Hazardous Chemical Disclosure
  - 404.06 Harassment by Employees
  - 404.07 Substance-Free Workplace
  - 404.08 Drug and Alcohol Testing Program
  - 404.09 Injured Employee Alternative Duty Review
  - 404.10 Disclosure and Protection of Employee Health Information
  
- 405 Employee Conduct and Appearance

- 406**            **Certificated Employees - General**
  - 406.01            Certificated Employee Defined
  - 406.02            Certificated Employee Qualifications, Recruitment, and Selection
  - 406.03            Certificated Employee Individual Contracts
  - 406.04            Certificated Employee Continuing Contracts
  - 406.05            Certificated Employee Work Days
  - 406.06            Certificated Employee Assignment
  - 406.07            Certificated Employee Transfers
  - 406.08            Certificated Employee Evaluation
  - 406.09            Certificated Employee Probationary Status/Tenure
  
- 407**            **Certificated Employee Compensation and Benefits**
  - 407.01            Certificated Employee Salary Schedule
  - 407.02            Certificated Employee Salary Schedule Advancement
  - 407.03            Certificated Employee Continued Education Credit/Credentials
  - 407.04            Certificated Employee Compensation for Extra Duty
  - 407.05            Certificated Employee Workers' Compensation
  - 407.06            Certificated Employee Tax Shelter Programs
  
- 408**            **Certificated Employee Termination of Employment**
  - 408.01            Certificated Employee Resignation
  - 408.02            Certificated Employee Contract Release
  - 408.03            Certificated Employee Retirement
  - 408.04            Certificated Employee Suspension
  - 408.05            Certificated Employee Reduction in Force
  - 408.06            Certificated Employee Early Retirement
  
- 409**            **Certificated Employee Professional Growth**
  - 409.01            Certificated Employee Professional Development
  - 409.02            Certificated Employee Training, Workshops, or Conferences
  - 409.03            Certificated Employee Mentor Teachers
  - 409.04            Certificated Employee Publication or Creation of Materials
  - 409.05            Certificated Employee Tutoring
  
- 410**            **Certificated Employee Vacations and Leaves of Absence**
  - 410.01            Certificated Employee Vacation, Holidays and Personal Leave
  - 410.02            Certificated Employee Personal Illness Leave
  - 410.03            Certificated Employee Family and Medical Leave
  - 410.04            Certificated Employee Bereavement Leave
  - 410.05            Certificated Employee Political Leave
  - 410.06            Certificated Employee Jury Duty Leave
  - 410.07            Certificated Employee Military Service Leave
  - 410.08            Certificated Employee Unpaid Leave

- 411 Other Certified Employees**
  - 411.01 Substitute Teachers
  - 411.02 Summer School Certificated Employees
  - 411.03 Attendance Officer
  - 411.04 Education Aide
  
- 412 Support Staff - General**
  - 412.01 Support Staff Defined
  - 412.02 Support Staff Qualifications, Recruitment, Selection
  - 412.03 Support Staff Contracts
  - 412.04 Support Staff Licensing/Certification
  - 412.05 Support Staff Assignment
  - 412.06 Support Staff Transfers
  - 412.07 Support Staff Evaluation
  - 412.08 Support Staff Probationary Status
  
- 413 Support Staff Compensation and Benefits**
  - 413.01 Support Staff Compensation
  - 413.02 Support Staff Wage and Overtime Compensation
  - 413.03 Support Staff Group Insurance Benefits
  - 413.04 Support Staff Workers' Compensation
  - 413.05 Support Staff Tax Shelter Programs
  
- 414 Support Staff Termination of Employment**
  - 414.01 Support Staff Resignation
  - 414.02 Support Staff Retirement
  - 414.03 Support Staff Suspension
  - 414.04 Support Staff Dismissal
  - 414.05 Support Staff Reduction in Force
  
- 415 Support Staff Vacations and Leaves of Absence**
  - 415.01 Support Staff Vacations, Holidays and Personal Leave
  - 415.02 Support Staff Personal Illness Leave
  - 415.03 Support Staff Family and Medical Leave
  - 415.04 Support Staff Bereavement Leave
  - 415.05 Support Staff Political Leave
  - 415.06 Support Staff Jury Duty Leave
  - 415.07 Support Staff Military Service Leave
  - 415.08 Support Staff Unpaid Leave
  - 415.09 Support Staff Professional Purposes Leave

## ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES

This series of the board policy manual is devoted to the board's goals and objectives for employees in the performance of their jobs. Employees provide a variety of important services for the children of the school district community. They may be teaching or assisting in the classroom, working in the office, maintaining the facilities, driving or repairing the school buses, or cooking lunches. Each employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with the students' individual needs. While the teachers have the most direct impact on the formal instruction of students, all employees have an impact on the school environment by their dedication to their work and their actions. As role models for the students, employees shall promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality education program, the board's goal is to obtain and retain qualified and effective employees. The board shall have complete discretion to determine the number, the qualifications, and the duties of the positions and the school district's standards of acceptable performance. It shall be the responsibility of the superintendent to make recommendations to the board in these areas prior to board action. The board recognizes its duty to bargain collectively with duly certified collective bargaining units.

Board policies in this series relating to general employees shall apply to employees regardless of their position as a certificated employee, support staff, substitute or administrator. Board policies relating to certificated employees shall apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy. Support staff policies included in this series shall apply to positions that do not fall within the definition of certificated employee.

## EQUAL EMPLOYMENT OPPORTUNITY

The Crawford Public School District shall provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district shall take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees shall be given notice of this policy annually.

The board shall appoint an affirmative action coordinator. The affirmative action coordinator shall have the responsibility for drafting the affirmative action plan. The affirmative action plan shall be reviewed by the board at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the board, administration, and Nebraska Department of Education for the position for which they apply. In employing individuals, the board shall consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age or disability. In keeping with the law, the board shall consider the veteran status of applicants.

Advertisements and notices for vacancies within the district shall contain the following statement: "The Crawford Public School District is an equal employment opportunity (EEO)/affirmative action employer." The statement shall also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, shall be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Crawford Public School District, Crawford, Nebraska 69339; or by telephoning 308-665-1537.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

limited to complaints of discrimination, may also be directed in writing to the Director of the Kansas Office of Civil Rights, U.S. Department of Education, 10220 North Executive Hills Boulevard 8th Floor, Kansas City, MO 64153-1367, (816) 880-4200 or the Nebraska Equal Opportunity Commission, State Office Building, 301 Centennial Mall South, 5th floor, P.O. Box 94394, Lincoln, NE 68509-4934, (402) 471-2024 or (800) 642-6112.

This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

Legal Reference: 29 U.S.C. §§ 621-634 (1994).  
42 U.S.C. §§ 2000e et seq. (1994).  
42 U.S.C. §§ 12101 et seq. (1994).  
Neb. Statute 48-1101 et seq. (Nebr. Fair Employment Practice Act)

Cross Reference: 103 Equal Educational Opportunity  
404.06 Harassment by Employees  
406.02 Certificated Employee Qualifications, Recruitment  
and Selection  
412.02 Support Staff Qualifications, Recruitment and  
Selection

## EMPLOYEE ORIENTATION

Employees must know their role and duties. New employees may be required to participate in an orientation program for new employees. The employee's immediate supervisor should provide the new employee with a review of the employee's responsibilities and duties. Employees involved in child care, custody or control responsibilities shall be given instruction in the handling of emergency situations which might arise in the course of the employee's work. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by the superintendent and district bookkeeper. The supervisor may wish to review the staff handbook as part of the orientation process.

Legal Reference: Nebraska Statute 79-802

Cross Reference: 401 Guiding Principles for Employees  
405 Employee Conduct and Appearance  
407 Certificated Employee Compensation and Benefits  
413 Support Staff Compensation and Benefits

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE CONFLICT OF INTEREST

Employees' use of their position with the school district for financial gain shall be considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee or employee's spouse without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may require the employee to immediately cease such solicitations as a condition of continued employment.

Employees shall not act as an agent or dealer for the sale of textbooks or other school supplies. Employees shall not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. Employees shall not engage in outside work or activities where the source of information concerning the customer, client or employer originates from information obtained because of the employee's position in the school district.

It shall also be a conflict of interest for an employee to engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest shall be deemed to exist shall include, but not be limited to, any of the following:

1. The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or monetary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.
2. The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.

3. Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



4. The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment or activity. If the activity or employment falls under (3), then the employee must:

- Cease the outside employment or activity; or
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

It shall be the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

Legal Reference: NDE Rule 27.004.03F

Cross Reference: 202.02 Board Member Conflict of Interest  
403.04 Gifts to Employees  
403.06 Employee Outside Employment



## EMPLOYEE GRIEVANCES

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints shall be brought directly to the immediate supervisor, principal or superintendent and shall be made in a constructive and professional manner. Complaints shall never be made in the presence of other employees, students or outside persons.

Cross Reference: 301.04 Communication Channels

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## Grievance and Complaint Procedure

A grievance is an alleged violation, misinterpretation, or misapplication of the terms of the contract or of Board policy.

### GRIEVANCE PROCEDURES

Should grievance arise between the school district and the teacher(s) covered under this contract, such grievance shall be taken up for settlement under the following procedure:

1. Any covered grievant who feels aggrieved must make informal notification of such alleged grievance within 30 days of the incident.
2. The grievant may have a P.R. and R. representative from District 71 Education Association assist him/her in efforts to resolve the grievance at all levels of procedure.
3. Step I (informal) The grievance shall be presented orally by the teacher to the building principal or the teacher's immediate supervisor. (Such presentation may be made in private or in the presence of another person.)
4. Step II (Formal) If a satisfactory adjustment of such grievance shall not thereby reached within 5 school days thereafter, it may be presented in writing to the building principal or immediate supervisor of the grievant within 5 school days after the informal decision by the principal. The Principal will within 5 school days thereafter present a decision thereon in writing to the grievant.
5. Step III (Formal) If a satisfactory adjustment of such grievance shall not thereby be reached within 10 school days it may be presented in writing to the Superintendent or his designated representative who will within 5 school days thereafter present a decision thereon in writing to the grievant. If a satisfactory adjustment is not thereby reached, it may be presented in writing within 5 school days to the Board of Education who will hear the grievance in a formal hearing within 30 days and will present a written decision to the grievant within 5 school days following the hearing.
6. Step IV (Formal) If the aggrieved is not satisfied with the final decision of the Board of Education then such grievant shall have the Court of Industrial Relations to rely on in the settlement of the unresolved dispute.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE RECORDS

The school district shall maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

The records shall include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, application for employment, references, and other items needed to carry out board policy. Employee personnel files are school district records and are considered confidential records and therefore are not generally open to public inspection or accessibility. Only in certain limited instances, when the employee has given a signed consent, will employee personnel records be accessible to individuals other than the employee or authorized school officials.

The district will not use or require the use of more than the last four digits of an employee's social security number for:

1. Public posting or display to the general public or an employee's coworkers.
2. Transmission over the internet except on a secure or encrypted connection.
3. Accessing an Internet web site unless a password, personal identification number or other unique authentication is required.
4. Use as an employee number for any type of employment-related activity.

The district may use more than the last four digits of an employee's social security number only for:

1. Compliance with state or federal laws, rules or regulations.
2. Voluntary commercial transactions entered into by the employee with the district for the purchase of goods or services.
3. Internal administrative purposes including providing the number to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the following internal administrative purposes do not permit use of employee social security numbers:
  - A. As an identification number for occupational licensing.
  - B. As an identification number for drug-testing purposes except when required by state or federal law.
  - C. As an identification number for district meetings.
  - D. In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
  - E. For posting any type of district information.

Employees may have access to their personnel files, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## EMPLOYEE RECORDS

### Employee Personnel Records Content

1. Employee personnel records may contain the following information:
  - Personal information including, but not limited to, name, address, telephone number, emergency numbers, birth date and spouse.
  - Individual employment contract.
  - Evaluations.
  - Application, resume and references.
  - Salary information.
  - Copy of the employee's license or certificate, if needed for the position.
  - Educational transcripts.
  - Assignment.
  - Records of disciplinary matters.
  
2. Employee health and medical records shall be kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
  - Medical professional signed physical form.
  - Sick or long-term disability leave days.
  - Worker's compensation claims.
  - Reasonable accommodation made by the school district to accommodate the employee's disability.
  - Employee's medical history.
  - Employee emergency names and numbers.
  - Family and medical leave request forms.

### Applicant File Records Content

Records on applicants for positions with the school district shall be maintained in the central administration office. The records shall include, but not be limited to:

Application for employment.

Resume.

References.

Evidence of appropriate certificate or license, if necessary for the position for which the individual applied.

### Record Access

Only authorized school officials shall have access to an employee's records without the

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

written consent of the employee. Authorized school officials may include, but not be limited to, the superintendent, building principal, or board secretary. In the case of a medical emergency, the school nurse or other first aid or safety personnel may have access to the employee's health or medical file without the consent of the employee. Board members will only have access to an employee's personnel file without the consent of the employee when necessary at a hearing regarding the employment status of an employee.

#### Employee Record Retention

All employee records, except payroll and salary records, shall be maintained for a minimum of seven years after termination of employment with the district. Applicant records shall be maintained for minimum of seven years after the position was filled. Payroll and salary records shall be maintained for a minimum of three years after payment.



## TRANSPORTING OF STUDENTS BY EMPLOYEES

Generally, transportation of students shall be in a motor vehicle owned by the school district and driven by an employee. In some cases, it may be more economical or efficient for the school district to allow an employee of the school district to transport the students in the employee's motor vehicle.

Employees who transport students for school purposes must have the permission of the superintendent.

This policy statement applies to transportation of students for school purposes in addition to the regular bus route transporting students to and from their designated attendance center.

Cross Reference:     402.08 Employee Travel Compensation  
                          801    Transportation

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE TRAVEL COMPENSATION

Employees traveling on behalf of the school district and performing approved school district business will be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses shall include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

It is the policy of the board to pay the actual and necessary expenses incurred by employees at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the boundaries of the local government, to include:

1. Registration costs, tuition costs, fees, or charges;
2. Mileage at the current district reimbursement rate or actual travel expense if travel is authorized by commercial or charter means; and
3. Meals and lodging as approved in advance by the superintendent.

Prior to reimbursement of actual and necessary expenses, the employee must submit a detailed receipt indicating the date, purpose and nature of the expense for each claim item. A credit card receipt is generally not considered a detailed receipt. Failure to provide a detailed receipt shall make the expense non-reimbursable.

Legal Reference: Neb. Statute 13-2201 et seq.

Cross Reference: 206.04 Board Member Compensation and Expenses  
402.07 Transporting of Students by Employees  
402.11 Credit Cards  
801.13 Use of Private Vehicles on School Business

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## RECOGNITION FOR SERVICE OF EMPLOYEES AND OTHERS

The board recognizes and appreciates service given to the district. Employees, board members, volunteers or others associated with the operations of the district may be honored by the board, administration and staff in an appropriate manner by the awarding of plaques, certificates of achievement, flowers or memorials in times of bereavement, or items of value.

If the form of recognition thought appropriate by the administration and employees involves unusual expense to the school district, the superintendent shall seek prior approval from the board. Any expenditure for recognition of service shall be limited to \$100.00 per individual per occasion.

Legal Reference:      Neb. Statute 13-2203

Cross Reference:      408      Certificated Employee Termination of Employment  
                                 414      Support Staff Termination of Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE POLITICAL ACTIVITY

Employees shall not engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited.

Violation of this policy may be grounds for disciplinary action.

Cross Reference:     410.05 Certificated Employee Political Leave  
                          415.05 Support Staff Political Leave

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CREDIT CARDS

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt shall make the employee responsible for expenses incurred. Those expenses shall be reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It shall be the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It shall be the responsibility of the board to determine through the audit and approval process of the board whether the school district credit card use by the superintendent and the board is for appropriate school business.

The superintendent shall be responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations shall include the appropriate forms to be filed for obtaining a credit card.

Cross Reference:       206.04 Board Member Compensation and Expenses  
                              402.08 Employee Travel Compensation

Approved 10/12/09       Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE INVOLVEMENT IN DECISION MAKING

The Board will encourage employees to contribute their ideas for the betterment of the district. The staff will be asked to help in developing policies and regulations, in establishing goals and objectives, and in planning curriculum, services, budget and facilities.

In devising rules and procedures for the operation of the schools, administrators will seek the suggestions of those employees who will be affected by such provisions. The professional staff will be given opportunities to contribute to curriculum development and to recommend policies and regulations pertaining to students and instruction.

The superintendent will develop channels for the communication of ideas among staff, administrators and Board members and will inform the Board of staff opinion when presenting recommendations for Board actions.

Cross Reference: 402.13 Communications with Employees

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## COMMUNICATIONS WITH EMPLOYEES

The Board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. The superintendent will develop and recommend to the Board processes for communications between the Board and district employees.

Communications or reports to the Board or Board committee from any staff member or members should be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will communicate as appropriate to keep staff fully informed of the Board's concerns and actions.

Cross Reference: 301.04 Communication Channels

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE USE OF DISTRICT TECHNOLOGY

The Board of Education believes that the availability of computers and computer technology will enhance the learning opportunities of our students and allow the district to deliver educational services more efficiently. Employees are expected to conduct themselves within the guidelines of district computer use policy as stated in Policy 606.06, Acceptable Use of Computers, Technology and the Internet.

Cross Reference:                   504.03 Student Conduct  
  505    Student Discipline  
  606.06 Acceptable Use of Computers, Technology and the  
  Internet

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## STAFF CONDUCT WITH STUDENTS

The Board expects all staff members, including teachers, coaches, counselors, administrators, and others to maintain the highest professional, moral, and ethical standards in their conduct with students. For the purposes of this policy, staff members also include school volunteers.

The interactions and relationships between staff members and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in and outside of the educational setting; and consistency with the educational mission of the schools.

Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

### **Unacceptable Conduct**

Examples of unacceptable conduct by staff members include but are not limited to the following:

- Any type of sexual or inappropriate physical contact with students or any other conduct that might be considered harassment under the Board's policy on Harassment By Employees;
- Singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship;
- Associating with students in any situation or activity that includes the presence of alcohol, drugs, or tobacco or that could be considered sexually suggestive;
- For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussion, staff members are expected to be supportive but to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- Sending student on personal errands;
- Sexual banter, allusions, jokes, or innuendos with students;
- Asking a student to keep a secret;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students with terms of endearment, pet names, or otherwise in an overly familiar manner, and

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

- Permitting students to address you by your first name, nickname or otherwise in an overly familiar manner.
- Being alone with individual students by closing a room door except when dealing with issues of health by appropriate personnel;
- Inviting or allowing students to visit the staff member's home;
- Visiting a student's home, unless on official school business;
- Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business);
- Exchanging personal gifts (beyond the customary student teacher gifts); and/or
- Socializing or spending time with students (including but not limited to activities such as going out for meals or movies, shopping, traveling, and recreational activities) outside of school sponsored events or except as participants in organized community activities.

Students and/or their parents/guardians are strongly encouraged to notify the principal if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to notify promptly the principal or superintendent if they become aware of a situation that may constitute a violation of this policy.

Staff violations of this policy may result in disciplinary action up to and including dismissal. Violations involving sexual or other abuse will also result in referral to the Department of Health and Human Services and/or laws enforcement in accordance with the Board's policy on Child Abuse Reporting.

This policy shall be included in future employee, student and volunteer handbooks.

## USE OF SCHOOL FACILITIES AND EQUIPMENT BY EMPLOYEES

The superintendent may approve the use of school facilities, equipment and other resources by school employees except for those activities which result in personal or corporate gain. School vehicles shall not be available for personal use except as provided in individual employee contracts.

Employees are allowed to use public resources within the statutory definition of incidental or de minimis use for purposes such as research or communication that would otherwise be prohibited by state or federal statutes.

In some cases, employee use of district resources may result in the need to report such use as additional compensation in accordance with IRS codes. The superintendent will inform business personnel when he/she is aware of employee use of district resources requiring such reporting.

Legal Reference:      Neb. Statute 49-14,101

Cross Reference:      1006.01 Community Use of School Bldgs., Sites and Equipment

Approved 10/12/09      Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

RELEASE OF CREDIT INFORMATION

The following information will be released to an entity with whom an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee. Confidential information about the employee will be released to an inquiring creditor with a written authorization from the employee.

It shall be the responsibility of the superintendent to respond to inquiries from creditors.

Cross Reference: 402.06 Employee Records

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CHILD ABUSE REPORTING

School employees who have reasonable cause to suspect a child is a victim of abuse or neglect, or who observe conditions which reasonably would result in abuse or neglect, shall report such incidents to the proper authorities.

The employee, after informing the principal, shall make an oral report to the local law enforcement agency by telephone, followed by a written report if necessary. The report will include all information required by law.

Legal Reference:      Neb. Statute 28-711

Cross Reference:      403.03 Abuse of Students by School District Employees  
                                 504.17 Questioning of Students by Outside Agencies  
                                 508     Student Health and Well Being

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CHILD ABUSE REPORTING REGULATION

Any school employee shall make an oral report by telephone to the local law enforcement authorities or the Department of Health and Human Services when that employee has reasonable cause to believe that a child has been subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which reasonably would result in abuse or neglect.

"Child abuse" is defined as knowingly, intentionally or negligently causing or permitting a minor child to be:

1. Placed in a situation that endangers his or her life or physical or mental health;
2. Cruelly confined or cruelly punished;
3. Deprived of necessary food, clothing, shelter, or care;
4. Left unattended in a motor vehicle if such minor child is six years of age or younger;
5. Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or
5. Placed in a situation to be sexually abused as defined in Neb. Statutes 28-319 or 28-320.01.

The oral report shall include the caller's name and address.

The oral report will be followed by a written report that shall include to the extent available, the following:

1. The employee's name and address;
2. The name, address and age of the abused or neglected child;
3. The address of the person(s) having custody of the child;
4. The nature and extent of the abuse or neglect, or the conditions and circumstances which would reasonably result in such abuse or neglect;
5. Any evidence of previous abuse or neglect, including the nature and extent; and
6. Any other information which in the opinion of the person making the report may be helpful in establishing the cause of such abuse or neglect and the identity of the perpetrator(s).

Any person making such a report as required by law will be immune from any civil or criminal liability, except for in the case of making maliciously false statements.

Failure to make such a required report, or knowingly releasing confidential information other than as permitted by law will result in a Class III misdemeanor.

It is not the responsibility of employees to prove that a child has been abused or neglected. Employees should not take it upon themselves to investigate the case or contact the family of the child. The Department of Health and Human Services is responsible for investigating the incident of alleged abuse.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The superintendent will appoint an investigator and alternate investigator of opposite sexes. The investigator will pass the findings on to the superintendent who will complete any further investigations as deemed necessary and take appropriate final action.

The superintendent is responsible for implementing this policy and for organizing employee training when needed relating to this policy. Procedures shall be reviewed periodically for adequacy and accuracy.

Cross Reference:                   403.02 Child Abuse Reporting  
  404.06 Harassment by Employees  
  505.06 Corporal Punishment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

ABUSE COMPLAINT FORM

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged abuser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Evidence of abuse, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



WITNESS DISCLOSURE FORM

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony, interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information of this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

### Definition of Physical Abuse

Physical abuse is non-accidental physical injury to the student as a result of the action of an employee. Injury occurs when evidence of it is still apparent at least twenty-four hours after its occurrence. The following do not constitute physical abuse, and no employee is prohibited from:

1. Using reasonable and necessary force, not designed or intended to cause pain:
  - a) To quell a disturbance or prevent an act that threatens physical harm to any person.
  - b) To obtain possession of a weapon or other dangerous object within a pupil's control.
  - c) For the purposes of self-defense or defense of others as provided for in Neb. Statute 28-1409 and 1410.
  - d) For the protection of property as provided for in Neb. Statute 28-1411.
  - e) To remove a disruptive pupil from class, or any area of school premises or from school-sponsored activities off school premises.
  - f) To prevent a student from the self-infliction of harm.
  - g) To protect the safety of others.
  
2. Using incidental, minor, or reasonable physical contact to maintain order and control. In determining the reasonableness of the contact or force used, the following factors shall be considered:
  - a) The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.
  - b) The size and physical condition of the student.
  - c) The means or device used in making the physical contact.
  - d) The motivation of the school employee in initiating the physical contact.
  - e) The extent of injury to the student resulting from the physical contact.

"Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## **Definition of Sexual Abuse**

Sexual abuse is defined as including sexual acts involving a student, acts that encourage the student to engage in prostitution, inappropriate, intentional sexual behavior or physical manifestations of sexual harassment by the employee toward a student. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
2. Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or
3. The conduct has the purpose or effect of substantially interfering with a student's academic performance by creating an intimidating, hostile or offensive education environment.

## **Complaint Procedure**

An individual who believes he/she has been abused shall notify the Principal and/or Counselor, the designated investigator. The alternate investigator is the Superintendent. The investigator may request that the individual complete the Abuse Complaint form. Information received during the investigation shall be kept confidential to the extent possible.

The investigator, with the approval of the superintendent, or the superintendent has the authority to initiate a harassment investigation in the absence of a written complaint. The investigator shall have access to the educational records of the student and access to the student for purposes of interviewing the student about the report.

When abuse is reported, the investigator shall make copies of the report and give a copy to the person filing the report, the students' parents and the immediate supervisor of the employee named in the report. The employee named in the report shall not receive a copy of the report until the employee is initially interviewed.

The investigator shall use discretion in handling the information received regarding an investigation of abuse by an employee, and those persons involved in the investigation shall not discuss information regarding the complaint outside the investigation. The entire investigative procedure will be thoroughly explained, including the confidential nature of the proceedings, to the student and other persons involved in the investigation.

The investigator shall notify the parent, guardian or legal custodian of a student of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parent's place. The investigator shall interview the student as soon as possible, but in no case later than five days from the receipt of a report or notice of the allegation of sexual abuse. The investigator may record the interview electronically.

It is the responsibility of the investigator to determine whether it is more likely than not that an incident took place between the employee and the student. If the investigator believes the

employee committed a sex act with a student or sexually exploited a student, the investigator shall defer the investigation and immediately notify law enforcement officials, the superintendent, the student's parents and the person filing the report.

The designated investigator shall not interview the school employee named in a report of abuse until after a determination is made that jurisdiction exists, the alleged victim has been interviewed and a determination made that the investigation will not be deferred.

If the investigator determines an incident occurred, while not an illegal sex act with a student or sexual exploitation of a student, but where the employee engaged in inappropriate, intentional sexual behavior, further investigation is warranted. If further investigation is warranted, the investigator may proceed to interview the employee and other individuals who may have knowledge of the circumstances contained in the report. Prior to interviewing other individuals who may have knowledge of the circumstance contained in the report, the investigator shall provide notice of the impending interview of student witnesses or the student to their parent, guardian, or legal custodian prior to interviewing those students.

Within five days of receipt of an investigable report, the investigator shall complete an informal investigation. The informal investigation shall consist of interviews with the student, the employee and others who may have knowledge of the alleged incident. If the investigator determines that the allegations in the report are founded and that immediate and professional investigation is necessary, the investigator may defer further investigation and contact appropriate law enforcement officials, the student's parents and the person filing the report.

Within fifteen days of receipt of the report, the investigator shall complete a written investigative report, unless the investigation was temporarily deferred. The written investigative report shall include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
  - Unfounded. (It is not likely that an incident, as defined in district rules, took place), or
  - Founded. (It is likely that an incident took place.)
8. The applicability of exceptions to the investigated incident, or reason for the contact or force used.
9. A statement that, in the investigator's opinion, any physical contact that occurred was:
  - Appropriate. (Actions not requiring any disciplinary process), or
  - Inappropriate. (Actions invoking a disciplinary process as defined in district rules).

10. The disposition or current status of the investigation and recommendations regarding the need for further investigation.
11. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
  - Contacting law enforcement officials.
  - Contacting private counsel for the purpose of filing a civil suit or complaint.
  - Filing a complaint with the Nebraska Professional Practices Commission if the employee is a certificated employee.

The investigator shall retain the original and provide a copy of the written investigative report to the school employee named in the report, the employee's supervisor, the superintendent and the student's parent or guardian. The person filing the report, if not the student's parent or guardian, shall be notified only that the investigation has been concluded and of the disposition or anticipated disposition of the case.

If the investigator's report or law enforcement officials conclude the case involved founded physical or sexual abuse by a certificated employee, or the employee admits the violation, or the employee has surrendered the employee's certificate or license, the investigator shall file a complaint on behalf of the district after obtaining the superintendent's signature with the Nebraska Professional Practices Commission. The investigator shall also arrange for counseling services for the student if the student or student's parents request counseling services. Information of unfounded abuse shall not be put in the employee's personnel file.

## GIFTS TO EMPLOYEES

Employees shall not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or honorariums provided by any restricted donor. Items of value not included as "gifts" or "honorariums" are described below. A "restricted donor" is defined as a person or other entity which:

- Is seeking to be, or is a party to, any one or any combination of sales, purchases, leases or contracts to, from or with the school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the employee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region; or
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- Nonmonetary items with a value of less than 50 dollars that are received from any one donor during one calendar year;
- Contributions to a candidate or a candidate's committee;
- Information material relevant to an employee's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

- Plaques or items of negligible resale value given as recognition for public service;
- Items or services solicited or given to a state, national or regional organization in which the state of Nebraska or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Nebraska or a political subdivision of the state of Nebraska is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional certification purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or a Nebraska state agency; or

- A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, but, rather, because of some special expertise or other qualification.

It shall be the responsibility of each employee to know when it is appropriate to accept or reject gifts or an honorarium.

Cross References:     402.03 Employee Conflict of Interest  
                              705.04 Gifts, Grants and Bequests  
                              706.04 Vendor Relations



## GIFTS TO EMPLOYEES

Pupils and patrons are discouraged from giving personal gifts to school personnel. If gifts are offered, school personnel should minimize such an act and not give publicity or public recognition to such gifts. Any gift of more than \$25.00 approximate value shall be returned with the employee's explanation that such gifts are not allowed by board policy.

On occasion, companies and/or business will give gifts with orders from the school district. Any gift of this nature will become the property of the district if the value is over \$25.00 . The gift will be reported to the school administration and a decision will be made on the dispensation.

Cross References:     402.03 Employee Conflict of Interest  
                              705.04 Gifts, Grants and Bequests  
                              706.04 Vendor Relations

Approved 10/12/09     Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PUBLIC COMPLAINTS ABOUT EMPLOYEES

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

While speakers may, during public meetings, offer objective criticism of school operations and programs, the board will not hear personal complaints concerning district personnel nor against any person connected with the school system unless that complaint is an agenda item having followed the process described below. To do so could expose the board to a charge of being party to slander and would prejudice any necessity to act as the final review of administrative recommendations regarding the matter. The board president will direct the patron to the appropriate means for board consideration and disposition of legitimate complaints involving individuals.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to any board consideration however, the following should be completed:

1. Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
2. Unsettled matters from (1) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for certificated employees and the superintendent for support staff. At this level, if requested by the administrator, the complainant shall put the complaint in writing.
3. Unsettled matters regarding certificated employees from (2) above or problems and questions concerning the school district should be directed to the superintendent.
4. If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board in writing. The board will follow policy 1005.01 in handling public complaints.

Cross Reference:     204.10 Agenda  
                          204.12 Public Participation at Board Meetings  
                          1005.01 Public Complaints

Approved 10/12/09           Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE OUTSIDE EMPLOYMENT

The board believes the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers an employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It shall be the responsibility of the superintendent to counsel employees, whether full-time or part-time, if, in the judgment of the superintendent and the employee's immediate supervisor, the employee's outside employment interferes with the performance of the employee's duties required in the employee's position within the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.

Cross Reference:      402.03 Employee Conflict of Interest  
                                 409.05 Certificated Employee Tutoring

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance.

Employees whose physical or mental health, in the judgment of the administration, may be in doubt shall submit to examinations, when requested to do so, at the expense of the school district.

Employees identified as having reasonably anticipated contact with blood or infectious materials shall receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

It shall be the responsibility of the superintendent to write an exposure control plan to eliminate or minimize district occupational exposure to bloodborne pathogens. The plan for designated employees shall include, but not be limited to, scope and application, definitions, exposure control, methods of compliance, Hepatitis B vaccination and post-exposure evaluation and follow-up, communication of hazards to employees, and record keeping.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding physical examinations of such employees shall be followed.

Legal Reference: 29 C.F.R. Pt. 1630

Cross Reference: 404 Employee Health and Well-Being

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## EMPLOYEE INJURY ON THE JOB

When an employee becomes seriously injured on the job, the building principal shall notify a member of the family, or an individual of close relationship, as soon as the building principal becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee shall be turned over to the care of the employee's family or qualified medical employees as quickly as possible. The school district is not responsible for medical treatment of an injured employee.

It shall be the responsibility of the employee injured on the job to inform the superintendent within one business day of the occurrence. It shall be the responsibility of the employee's immediate supervisor to file an accident report within one business day after the employee reported the injury.

It shall be the responsibility of the employee to file claims, such as workers' compensation, through the central administration office.

Cross Reference:     404     Employee Health and Well-Being  
                          410.02 Certificated Employee Personal Illness Leave  
                          415.02 Support Staff Personal Illness Leave  
                          905.06 Accident Reports

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

EMPLOYEES' PERSONAL SECURITY AND SAFETY

The Board authorizes the superintendent to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties.

The superintendent, in consultation with district and building safety committees, will implement training and/or procedures as necessary to accomplish this goal and to meet the requirements of the law.

All employees shall conduct their work in compliance with the safety rules of the district.

Cross Reference:                    905    Safety Program

Approved 10/12/09                    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## COMMUNICABLE DISEASES - EMPLOYEES

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan shall be reviewed annually by the superintendent and school nurse.

The health risk to immunodepressed employees shall be determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease shall be determined on a case-by-case basis by the employee's personal physician, a physician chosen by the school district or public health officials.

An employee who is at work and who has a communicable disease which creates a substantial risk of harm to a student, coworkers, or others at the workplace shall report the condition to the Superintendent any time the employee is aware that the disease actively creates such risk.

Health data of an employee is confidential and it shall not be disclosed to third parties. Employee medical records shall be kept in a file separate from their personal file.

It shall be the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

Approved 10/12/09      Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference:    29 U.S.C. §§ 794, 1910 (1994).  
                             42 U.S.C. §§ 12101 et seq. (1994).  
                             45 C.F.R. Pt. 84.3 (1996).

Cross Reference:    402.06 Employee Records  
                             404.01 Employee Physical Examinations  
                             508.03 Communicable or Infectious Diseases - Students

## HEPATITIS B VACCINE INFORMATION AND RECORD

### The Disease

Hepatitis B is a viral infection caused by the Hepatitis B virus (HBV) which causes death in 1-2% of those infected. Most people with HBV recover completely, but approximately 5-10% become chronic carriers of the virus. Most of these people have no symptoms, but can continue to transmit the disease to others. Some may develop chronic active hepatitis and cirrhosis. HBV may be a causative factor in the development of liver cancer. Immunization against HBV can prevent acute hepatitis and its complications.

### The Vaccine

The HBV vaccine is produced from yeast cells. It has been extensively tested for safety and effectiveness in large scale clinical trials.

Approximately 90 percent of healthy people who receive two doses of the vaccine and a third dose as a booster achieve high levels of surface antibody (anti-HBs) and protection against the virus. The HBV vaccine is recommended for workers with potential for contact with blood or body fluids. Full immunization requires three doses of the vaccine over a six-month period, although some persons may not develop immunity even after three doses.

There is no evidence that the vaccine has ever caused Hepatitis B. However, persons who have been infected with HBV prior to receiving the vaccine may go on to develop clinical hepatitis in spite of immunization.

### Dosage and Administration

The vaccine is given in three intramuscular doses in the deltoid muscle. Two initial doses are given one month apart and the third dose is given six months after the first.

### Possible Vaccine Side Effects

The incidence of side effects is very low. No serious side effects have been reported with the vaccine. Ten to 20 percent of persons experience tenderness and redness at the site of injection and low grade fever. Rash, nausea, joint pain, and mild fatigue have also been reported. The possibility exists that other side effects may be identified with more extensive use.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## HEPATITIS B VACCINE INFORMATION AND RECORD

### CONSENT OF HEPATITIS B VACCINATION

I have knowledge of Hepatitis B and the Hepatitis B vaccination. I have had an opportunity to ask questions of a qualified nurse or physician and understand the benefits and risks of Hepatitis B vaccination. I understand that I must have three doses of the vaccine to obtain immunity. However, as with all medical treatment, there is no guarantee that I will become immune or that I will not experience side effects from the vaccine. I give my consent to be vaccinated for Hepatitis B.

\_\_\_\_\_  
Signature of Employee (consent for Hepatitis B vaccination)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

### REFUSAL OF HEPATITIS B VACCINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B virus infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

\_\_\_\_\_  
Signature of Employee (refusal for Hepatitis B vaccination)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

I refuse because I believe I have (check one)

\_\_\_\_\_ started the series

\_\_\_\_\_ completed the series

HEPATITIS B VACCINE INFORMATION AND RECORD

RELEASE FOR HEPATITIS B MEDICAL INFORMATION

I hereby authorize \_\_\_\_\_ (individual or organization holding Hepatitis B records and address) to release to the Crawford Public School District, my Hepatitis B vaccination records for required employee records.

I hereby authorize release of my Hepatitis B status to a health care provider, in the event of an exposure incident.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

HEPATITIS B VACCINE INFORMATION AND RECORD

CONFIDENTIAL RECORD

Employee Name (last, first, middle) Social Security No.

Job Title:

Table with 4 columns: Date, Lot Number, Site, Administered by. Title: Hepatitis B Vaccination

Additional Hepatitis B status information:

Post-exposure incident: (Date, time, circumstances, route under which exposure occurred)

Identification and documentation of source individual:

Source blood testing consent:

Description of employee's duties as related to the exposure incident:

Copy of information provided to health care professional evaluating an employee after an exposure incident:

Attach a copy of all results of examinations, medical testing, follow-up procedures, and health care professional's written opinion.

Training Record: (date, time, instructor, location of training summary)

## UNIVERSAL PRECAUTIONS REGULATION

Universal precautions (UP) are intended to prevent transmission of infection, as well as decrease the risk of exposure for employees and students. It is not currently possible to identify all infected individuals, thus precautions must be used with every individual. UP pertain to blood and other potentially infectious materials (OPIM) containing blood. These precautions do not apply to other body fluids and wastes (OBFW) such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. However, these OBFW can be sources of other infections and should be handled as if they are infectious. The single most important step in preventing exposure to and transmission of any infection is anticipating potential contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, employees and students should be prepared to use the appropriate precautions prior to the contact. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of spills are essential techniques of infection control. All individuals should respond to situations practicing UP followed by the activation of the school response team plan. Using common sense in the application of these measures will enhance protection of employees and students.

### Hand Washing

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists should be removed prior to washing and kept off until completion of the procedure and the hands are rewashed. Use of running water, lathering with soap and using friction to clean all hand surfaces is key. Rinse well with running water and dry hands with paper towels.

- Hands should be washed before physical contact with individuals and after contact is completed.
- Hands should be washed after contact with any used equipment.
- If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.
- Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

### Barriers

Barriers anticipated to be used at school include disposable gloves, absorbent materials and resuscitation devices. Their use is intended to reduce the risk of contact with blood and body fluids as well as to control the spread of infectious agents from individual to individual. Gloves should be worn when in contact with blood, OPIM or OBFW. Gloves should be removed without touching the outside and disposed of after each use.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### Disposal of Waste

Blood, OPIM, OBFW, used gloves, barriers and absorbent materials should be placed in a plastic bag and disposed of in the usual procedure. When the blood or OPIM is liquid, semi-liquid or caked with dried blood, it is not absorbed in materials, and is capable of releasing the substance if compressed, special disposal as regulated waste is required. A band-aid, towel, sanitary napkin or other absorbed waste that does not have the potential of releasing the waste if compressed would not be considered regulated waste. It is anticipated schools would only have regulated waste in the case of a severe incident. Needles, syringes and other sharp disposable objects should be placed in special puncture-proof containers and disposed of as regulated waste. Bodily wastes such as urine, vomitus or feces should be disposed of in the sanitary sewer system.

### Clean up

Spills of blood and OPIM should be cleaned up immediately. The employee should:

- Wear gloves.
- Clean up the spill with paper towels or other absorbent material.
- Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA-approved disinfectant and use it to wash the area well.
- Dispose of gloves, soiled towels and other waste in a plastic bag.
- Clean and disinfect reusable supplies and equipment.

### Laundry

Laundry with blood or OPIM should be handled as little as possible with a minimum of agitation. It should be bagged at the location. If it has the potential of releasing the substance when compacted, regulated waste guidelines should be followed. Employees who have contact with this laundry should wear protective barriers.

### Exposure

An exposure to blood or OPIM through contact with broken skin, mucous membrane or by needle or sharp stick requires immediate washing, reporting and follow-up.

- Always wash the exposed area immediately with soap and water.
- If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.
- If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.

The exposure should be reported immediately, the parent or guardian is notified, and the person exposed contacts a physician for further health care.

## HAZARDOUS CHEMICAL DISCLOSURE

The board authorizes the development of a comprehensive hazardous chemical communication program for the school district to disseminate information about hazardous chemicals in the workplace.

Each employee shall annually review information about hazardous substances in the workplace. When a new employee is hired or transferred to a new position or work site, the information and training, if necessary, shall be included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it shall be distributed to all employees, and training shall be conducted for the appropriate employees. The central administration office shall maintain a file indicating which hazardous substances are present in the workplace and when training and information sessions take place.

Employees who will be instructing or otherwise working with students shall disseminate information about the hazardous chemicals with which they will be working as part of the instructional program.

It shall be the responsibility of the superintendent to develop administrative regulations regarding this program.

Legal Reference: 29 C.F.R. Pt. 1910; 1200 et seq. (1996).  
Laws 1993, L.B. 757

Cross Reference: 404 Employee Health and Well-Being  
905 Safety Program

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## HARASSMENT BY EMPLOYEES

Harassment of employees, students, volunteers or visitors will not be tolerated in the school district. School district includes school district facilities, school district property, or property within the jurisdiction of the school district; while on school-owned or school-operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the district.

Harassment includes, but is not limited to, racial, religious, national origin, marital status, disability and sexual harassment. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in school programs or activities;
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's employment or education; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Sexual harassment as set out above, may include, but is not limited to the following:

- verbal or written harassment or abuse, or unwelcome communication implying sexual motives or intentions;
- pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;
- unwelcome touching;

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

- unwelcome and offensive public sexual display of affection;
- suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's job, promotions, recommendations, etc.

Harassment on the basis of race, creed, color, religion, national origin, marital status or disability means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs, activities or employment;
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance or
- creating an intimidating, offensive or hostile learning or work environment.

Harassment as set forth above may include, but is not limited to the following:

- verbal, physical or written harassment or abuse;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's grades, achievements, etc.;
- demeaning jokes, stories, or activities directed at an individual.

Employees, students, volunteers or visitors who believe they have suffered harassment shall report such matters to the investigator for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator for harassment complaints.

Upon receiving a complaint, the investigator shall confer with the complainant to obtain an understanding and a statement of the facts. It shall be the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who shall complete such further investigation as deemed necessary and take such final action as appropriate. Information regarding an investigation of harassment shall be confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against an employee or student because they have filed a harassment complaint, assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge or because they have opposed language or conduct that violates this policy. This policy should be used when an employee is the alleged harasser or the alleged victim. It is strongly recommended the investigator and alternate investigator be of opposite sexes.



It shall also be the responsibility of the superintendent, in conjunction with the investigator and principals, to develop administrative rules regarding this policy. The superintendent or superintendent's designee shall also be responsible for organizing training programs to educate employees, students and others involved with the school district about harassment and the school district's policy prohibiting harassment. The training shall include how to recognize harassment and what to do in case an individual is harassed. The employee training will be documented in personnel files to ensure a record of training for each employee.

Legal Reference: 42 U.S.C. §§ 2000e et seq. (1994).  
29 C.F.R. Pt. 1604.11 (1996).

Cross Reference: 103 Equal Educational Opportunity  
402.01 Equal Opportunity Employment  
402.05 Employee Grievances  
403.03 Abuse of Students by School District Employees  
405 Employee Conduct and Appearance  
504.18 Harassment By Students  
505 Student Discipline

HARASSMENT COMPLAINT FORM

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESS DISCLOSURE FORM

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony, interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information of this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## HARASSMENT INVESTIGATING AND REPORTING

Harassment of employees and students will not be tolerated in the school district.

Harassment is a violation of school district policies, rules and regulations and, in some cases, may also be a violation of criminal or other laws. The school district has the authority to report students violating this rule to law enforcement officials.

Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Individuals who feel that they have been harassed by employees, board members, administrators, parents, vendors or others doing business with the school district should communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual needs assistance communicating with the harasser, he/she should ask a teacher, counselor or principal to help.

### **Complaint Procedure**

An employee or student who believes that they have been harassed shall notify the Superintendent, the designated investigator. The alternate investigator is the Principal. The investigator may request that the employee or student complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. Information received during the investigation shall be kept confidential to the extent possible.

The superintendent, or the investigator with the approval of the superintendent, has the authority to initiate a harassment investigation in the absence of a written complaint.

### **Investigation Procedure**

The investigator shall reasonably and promptly commence the investigation upon receipt of the complaint. The investigator shall interview the complainant and the alleged harasser. The alleged harasser may file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator shall report to the superintendent. The investigator will outline the findings of the investigation to the superintendent.

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## **Resolution of the Complaint**

The superintendent will complete the next step in the investigation reasonably and promptly upon receipt of the investigator's report. Following the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline, up to and including, discharge.

Prior to the determination of the appropriate remedial action, the superintendent may, at the superintendent's discretion, interview the complainant and the alleged harasser. The superintendent shall file a written report closing the case and documenting any disciplinary or other action taken in response to the complaint. The complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation.

## **Points to Remember in the Investigation**

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including discharge.

## **Conflicts**

If the investigator is the alleged harasser or a witness to the incident, the alternate investigator shall be the investigator.

If the alleged harasser is the superintendent, the alternate investigator shall take the superintendent's place in the investigation process. The alternate investigator shall report the findings to the board.

## HARASSMENT INVESTIGATING AND REPORTING

Harassment of employees and students will not be tolerated in the school district.

Harassment is a violation of school district policies, rules and regulations and, in some cases, may also be a violation of criminal or other laws. The school district has the authority to report students violating this rule to law enforcement officials.

Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Individuals who feel that they have been harassed by employees, board members, administrators, parents, vendors or others doing business with the school district should communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual needs assistance communicating with the harasser, he/she should ask a teacher, counselor or principal to help.

### **Complaint Procedure**

An employee or student who believes that they have been harassed shall notify the Superintendent, the designated investigator. The alternate investigator is the Principal. The investigator may request that the employee or student complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. Information received during the investigation shall be kept confidential to the extent possible.

The superintendent, or the investigator with the approval of the superintendent, has the authority to initiate a harassment investigation in the absence of a written complaint.

### **Investigation Procedure**

The investigator shall reasonably and promptly commence the investigation upon receipt of the complaint. The investigator shall interview the complainant and the alleged harasser. The alleged harasser may file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator shall report to the superintendent. The investigator will outline the findings of the investigation to the superintendent.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### **Resolution of the Complaint**

The superintendent will complete the next step in the investigation reasonably and promptly upon receipt of the investigator's report. Following the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline, up to and including, discharge.

Prior to the determination of the appropriate remedial action, the superintendent may, at the superintendent's discretion, interview the complainant and the alleged harasser. The superintendent shall file a written report closing the case and documenting any disciplinary or other action taken in response to the complaint. The complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation.

### **Points to Remember in the Investigation**

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including discharge.

### **Conflicts**

If the investigator is the alleged harasser or a witness to the incident, the alternate investigator shall be the investigator.

If the alleged harasser is the superintendent, the alternate investigator shall take the superintendent's place in the investigation process. The alternate investigator shall report the findings to the board.

## SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicles. "Workplace" also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee shall notify the employee's supervisor of the conviction within five days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent shall be responsible for publication and dissemination of this policy to each employee. In addition, the superintendent shall oversee the establishment of a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment programs.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy. This policy and related administrative regulations shall have a biennial review to determine its effectiveness, implement needed changes and ensure that the sanctions are consistently enforced.

Approved 10/12/09      Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference:      P.L. 101-226, Drug-Free Schools and Communities Act  
   Amendments of 1989,  
   41 U.S.C. §§ 701-707 (1994).  
   42 U.S.C. §§ 12101 et seq. (1994).  
   34 C.F.R. Pt. 86 (1996).

Cross Reference:      405      Employee Conduct and Appearance



## SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

"Workplace" is defined as the site for the performance of work done in the capacity as a employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the above policy of the school district and will notify their supervisor of their conviction of any criminal drug statute for a violation committed in the workplace, no later than five days after the conviction.

## SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five days of the conviction.

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

## SUBSTANCE-FREE WORKPLACE REGULATION

A superintendent who suspects an employee has a substance abuse problem shall follow these procedures:

1. Identification - the superintendent shall document the evidence the superintendent has which leads the superintendent to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined there has been a violation of the Substance-Free Workplace policy, the superintendent shall discuss the problem with the employee.
2. Discipline - if, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination [or may recommend the employee seek substance abuse treatment]. Participation in a substance abuse treatment program is voluntary.
3. Conviction - if an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five days of the conviction.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand one pounds or more. For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district contact person, the superintendent, at 908 Fifth Street.

Employees who violate the terms of this policy are subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent shall inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent shall also be responsible for publication and dissemination of this policy and its supporting administrative regulations and forms to employees operating school vehicles. The superintendent shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

Approved 10/12/09      Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference:      49 U.S.C. §§ 5331 et seq. (1994).  
                                 42 U.S.C. §§ 12101 (1994).  
                                 41 U.S.C. §§ 701-707 (1996).  
                                 49 C.F.R. Pt. 40; 382; 391.81-123 (1994).  
                                 34 C.F.R. Pt. 85 (1996).

Cross Reference:      404.07 Substance-Free Workplace  
                                 410.02 Certificated Employee Personal Illness Leave  
                                 415.02 Support Staff Personal Illness Leave

## INJURED EMPLOYEE ALTERNATIVE DUTY REVIEW

Employees returning to work from an injury may in some instances be placed on temporary light duty assignment by the building principal based on a doctor's recommendation. All employees are hired to perform essential functions for the district and it is necessary to the continued operation of the district that they carry out the duties they were hired to perform. This alternative duty assignment is intended to reduce lost time days and shall not continue indefinitely.

The building principal shall monitor the health improvement of the employee and conduct a review of the light duty assignment every sixty (60) days. Light duty assignment is limited to all employees to a maximum of 180 days.

Cross Reference:      404    Employee Health and Well-Being  
                             407.05 Certificated Employee Workers' Compensation  
                             410.02 Certificated Employee Personal Illness Leave  
                             413.04 Support Staff Workers' Compensation  
                             415.02 Support Staff Personal Illness Leave

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DISCLOSURE AND PROTECTION OF EMPLOYEE HEALTH INFORMATION

The district will comply with all regulations regarding privacy and confidentiality of employee health and insurance information, including the secure interchange and storage of electronic data. The superintendent is directed to implement this policy as needed to ensure proper handling of such information.

Employees will be provided with a notice describing the district's practices regarding health information. Employees shall have the right to inspect, copy or amend such information or to revoke authorization to disclose such information. Revocation of authorization may affect the availability of some employee benefits.

Legal Reference: 1996 Health Insurance Portability and Accountability Act (HIPAA)  
Family Educational Rights and Privacy Act (FERPA)

Cross Reference: 402.06 Employee Records  
404.02 Employee Injury on the Job  
804.01 Computer Security  
804.02 Data or Records Retention

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

**Authorization for Use or Disclosure of Protected Health Information**

Patient Name \_\_\_\_\_ ID Number: \_\_\_\_\_

I hereby authorize my physician and/or administrative and clinical staff to disclose the following protected health information to an authorized representative of Crawford Public Schools: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

[specifically and meaningfully describe the protected health information to be disclosed, such as date of service, type of service, level of detail to be released, etc.]

This protected health information is being used for the following purposes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[List specific purposes here. "At the request of the individual" is acceptable if the request is made by the patient, and the patient does not want to state a specific purpose.]

This authorization shall be in force and effect until \_\_\_\_\_

[specify either a date or event that related to the patient or the purpose of the use or disclosure] at which time this authorization to use or disclose this protected health information expires in 6 months.

I understand that I have the right to revoke this authorization at any time by sending a written notice to my physician's office.

I understand that information used or disclosed pursuant to this authorization may be disclosed by the recipient and may no longer be protected by state or federal law.

\_\_\_\_\_  
Signature of patient or patient's representative  
[form must be completed before signing]

\_\_\_\_\_  
Date

Printed name of patient's representative: \_\_\_\_\_

Relationship to patient: \_\_\_\_\_

## PROCEDURE FOR DISCLOSURE OF HEALTH INFORMATION

This Notice of Health Information Privacy Practices explains how the Crawford Public School District will use and/or disclose your Protected Health Information (PHI) in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

The Federal Health Insurance Portability and Accountability Act (HIPAA) provides as one of its provisions that group health care plans sponsored by employers and all health care providers, including physicians, hospitals, labs, pharmacies, etc., must protect the confidentiality of what the law terms "protected health information" (PHI).

Protected Health Information (PHI) is information communicated by a covered entity orally, on paper, or by electronic means that individually identifies and relates to an individual employee's, dependent's, or retiree's past, present, or future medical condition, provision of medical care, enrollment, premium, physical or mental health status, or treatment and personal demographic information.

Covered entities must safeguard the PHI of individuals and may not release such information to any individual or agency, including the individual's spouse or other family members, without the written authority of the individual. The provisions of this act become effective on April 14, 2003.

The district provides our employees with health insurance through the Educators Health Alliance (EHA), underwritten by Blue Cross Blue Shield of Nebraska: Because EHA is a fully insured program, EHA will not seek or maintain any PHI. The only information EHA will receive from Blue Cross Blue Shield of Nebraska will be summative information needed to manage the Plan, to determine appropriate levels of coverage and set premium rates.

Employers are not directly covered by the provisions of the act. However, employers are indirectly covered because it may become necessary, from time to time, for the district to obtain health information related to the employment policies of the district and to comply with state and federal law.

For the district to obtain employment related, health information about you from a third party, you must provide written authorization for the district to do so. The appropriate authorization forms are available from the district.

Under what circumstances would the district need health information?

1. Enrollment of employees in a BCBS health plan, vision care, dental, and other insurance plans.
2. Accounting for sick leave under the district sick leave policy.
3. Filing worker's compensation claims for employees injured on the job.
4. Seeking medical certification for eligibility for short-term or long-term disability insurance.
5. Seeking certification for fitness to return to work after a medical leave of absence or a disability leave.
6. Medical information necessary for the district to comply with the Americans with Disability Act.
7. Certification for eligibility of leave as provided for in the Pregnancy Discrimination Act.
8. Medical information necessitated by compliance with OSHA.
9. On other occasions to allow the employer to be assured that the employee is medically capable of performing all of the necessary duties required by the district, including suspected drug or alcohol abuse.
10. For costing out negotiations proposals affecting coverage and single or marital status.
11. To comply with state and federal law.
12. Other employment related matters.

In order for the employee to be assured of the benefits to which he or she is entitled under the provisions of state or federal law and the policies and negotiated agreement of the district, it will be necessary for the employee to comply with the request for information related to these business purposes; and failure to comply with that request, in a timely fashion as set forth in any written request, will result in forfeiture of the benefits at issue.

The district will not use any health information to discriminate against an employee or his or her spouse or dependents and will confine the use of such information to the specific use for which it is intended. Further, the district will not provide or share this information with any other individual or party, except for legitimate employment related matters and then only on a need-to-know basis or unless you provide written authorization to release of information to a third party.

All employment related health information will be maintained.

#### Misuse of Protected Health Information

The inappropriate access to or use of PHI is prohibited by federal law and is punishable by fines and in some instances incarceration. Any misuse of PHI by any employee of the district in violation of federal law or the district employment policies jeopardizes the financial interests of the Association and may result in job sanctions, including termination of employment.

#### Sick Leave Forms

In order to protect your personal health information, when reporting sick leave or medical/dental appointments, the employee should provide only the information requested on the form (i.e. doctor's appointment) and should refrain from providing any specific medical symptoms unless specifically requested by the district.

#### Employment Forms

The district will request personal information regarding insurance coverages, etc. upon initial employment and on those occasions when employment related health information changes, i.e. changing from single to married status.

#### Notification of Injury Under Workman's Compensation

A staff member injured on the job shall notify the district verbally of any injury as soon as practicable but within the legal requirements of the insurance carrier. That policy and federal law authorizes the district to disclose that information to the insurance carrier as part of any claim procedure without further authorization from you. The verbal notification is for your convenience, but the district may require you to complete a written document relating the nature of the accident and injuries.

#### Specific Requests for PHI

Specific requests by you or by the district for your PHI, related to items set forth earlier in this policy, will be in writing and related to the purposes outlined in this policy. An employee will be provided with a copy of any form requesting PHI. The district will maintain a copy as part of the employer's employment record.

All information acquired under the provisions of this policy will be maintained by the district as part of the employee's employment record, and a reasonable effort will be made to protect its confidentiality and security.

Questions about this policy may be directed to the district.



### Your Rights Provided by HIPAA

You have the following rights regarding medical information the district may obtain from you or about you:

- Right to Inspect and Copy

You have a right to inspect and copy medical information the district maintains in the course of your employment related activities, except any information compiled in anticipation of or for use in any civil, criminal, or administrative action or proceeding.

- Right to Amend

If you think that medical information about you is incorrect or incomplete, you may ask to amend the information. The request to amend the information must be in writing. The request must identify the specific information you wish to amend and include information setting forth the reasons you believe the information is inaccurate. The request for amendment, along with the reasons provided, will be filed with your related employment documents.

- Restrictions or Confidential Communications

You have a right to request restrictions and confidential communications concerning protected health information. Such restrictions or directives must be filed in writing and may not be retroactive in nature. Such restrictions may not be in conflict with necessary business practices or provisions of law.

- Right to Accounting of Disclosure

The district has the right to disclose your PHI information acquired in the course of your employment with its management staff, legal counsel, insurance companies, etc., on a business need basis or in order to comply with law. The district will not disclose any PHI that is part of your employment record under any other circumstances, including disclosure to other family members, unless the district receives a written request on a form signed by you identifying what information you wish disclosed and to whom. A copy of any request for disclosure will be maintained in your employment file and is subject to your inspection. The district is not required to maintain such records longer than six (6) years or to maintain any information about disclosures or disclosure requests prior to April 14, 2003.

- Right to Revocation of Disclosure

If you authorize disclosure of any information, either to the district and/or to another party, you may revoke that authorization in writing at any time. Revocation of disclosure must be filed with the district and will be maintained as part of your employment file. However, if the PHI is essential to secure employment benefits, revocation may result in denial of benefits.

- Complaint Alleging Violation

If you feel that your PHI has been used inappropriately or in violation of this policy, you may file a written complaint with the district or with the US Department of Health and Human Services.

- Change of Notice of Health Information Privacy Practices

The district has the right to amend this Notice at any time in the future consistent with law. Until such amendment is made, the district will abide by the terms of this Notice.

**Confirmation of Receipt**

You are required to sign and return this copy to the Crawford Public Schools to confirm that you have received a copy of this Notice. You will be provided with a copy for your records as well. The Notice with your signature will be maintained as a part of your employment record.

I \_\_\_\_\_ acknowledge receipt of this Privacy Notice.

Date: \_\_\_\_\_

## EMPLOYEE CONDUCT AND APPEARANCE

Employees are role models for the students who come in contact with them during and after school hours. The board recognizes the positive effect employees can have on students in this capacity. To this end, the board strongly suggests and encourages employees to dress themselves, groom themselves and conduct themselves in a manner appropriate to the educational environment.

Employees shall conduct themselves in a professional manner. Employees shall dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. Discretion and common sense call for an avoidance of extremes which would interfere with or have an effect on the educational process.

Certificated employees of the school district shall follow the code of ethics for their profession as established by the Nebraska Professional Practices Commission.

Legal Reference: NDE Rule 27

Cross Reference: 305 Administrative Code Of Ethics  
402.02 Employee Orientation  
404.06 Harassment by Employees  
404.07 Substance-Free Workplace  
408 Certificated Employee Termination of Employment  
414 Support Staff Termination of Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

STANDARDS OF ETHICAL AND PROFESSIONAL PERFORMANCE FOR  
HOLDERS OF PUBLIC SCHOOL CERTIFICATES

The following standards apply to all holders of public school certificates.

Preamble: The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this chapter.

The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to ethical and professional conduct and are, therefore, declared to be the criteria of ethical and professional performance adopted pursuant to the provisions of Section 79-866 for holders of public school certificates.

If the certificate holder is employed in a nonpublic school, that context shall be taken into account in the application of these standards.

Principle I - Commitment as a Professional Educator:

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the educator's contractual and professional responsibilities, the educator:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
2. Shall not discriminate on the basis of race, color, creed, gender, marital status, age, national origin, ethnic background, or disability.
3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.
4. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

5. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
6. Shall not sexually harass students, parents or school patrons, employees, or board members.
7. Shall not have had revoked for cause a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services certificate is issued in Nebraska.
8. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
9. Shall report to the Commissioner any known violation of Item 8 of Principle I, Item 5 of Principle III, or Item 2 of Principle IV of this regulation.
10. Shall seek no reprisal against any individual who has reported a violation of this regulation.

#### Principle II - Commitment to the Student:

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.
2. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
3. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
4. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
5. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.
6. Shall not tutor for remuneration students assigned to his or her classes unless approved by the local board of education.
7. Shall not discipline students using corporal punishment.

#### Principle III - Commitment to the Public:

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of and confidence in the rule of law, a respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

In fulfillment of the obligation to the public, the educator:

1. Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.
2. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
3. Shall neither offer nor accept gifts or favors that will impair professional judgment.
4. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
5. Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 Nebraska Administrative Code 21.
6. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession:

In the belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

1. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
2. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
3. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices:

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to professional employment practices, the educator:

1. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.

2. Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.
3. Shall give prompt notice to the employer of any change in availability of service.
4. Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.
5. Shall not assign to unqualified personnel, tasks for which an educator is responsible.
6. Shall permit no commercial or personal exploitation of his or her professional position.
7. Shall use time on duty and leave time for the purpose for which intended.

### Standards of Competent Professional Performance for Holders of Public School Certificates

The following standards apply only to holders of public school certificates.

General: The standards listed in this section are held to be generally accepted minimal standards for public school certificate holders in Nebraska with respect to competent performance and are therefore declared to be the criteria of competency adopted pursuant to the provisions of Section 79-1282 R.R.S.

### Administrative and Supervisory Requirements for Holders of Public School Certificates:

Educators must possess the abilities and skills necessary to accomplish the designated task. Therefore,

1. Each educator shall:
  - A. Keep records for which he or she is responsible in accordance with law and policies of the school system;
  - B. Supervise others in accordance with law and policies of the school system;
  - C. Recognize the role and function of community agencies and groups as they relate to the school and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.
2. Each teacher and special services provider shall:
  - A. Utilize available instructional materials and equipment necessary to accomplish the designated task;
  - B. Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider;
  - C. Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with school policy.
3. Each administrator shall:
  - A. Use available instructional personnel, materials and equipment necessary to accomplish the designated task;

- B. Adhere to and enforce school law, state board regulation, and written and dated school board policy which has been communicated to the administrator;
- C. Use channels of communication when interacting with teachers, community agencies and groups in accordance with school policy.

Analysis of Individual Needs and Individual Potential for Holders of Public School Certificates:

The educator shall utilize or promote the utilization of diagnostic techniques to analyze the needs and the potential of individuals. These may include but need not necessarily be limited to:

- 1. Personal observation;
- 2. Analysis of individual performance and achievement;
- 3. Specific performance testing.

Instructional Procedures for Holders of Public School Certificates:

Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures. Therefore,

- 1. Each educator shall:
  - A. Create an atmosphere which fosters interest and enthusiasm for learning and teaching;
  - B. Use procedures appropriate to accomplish the designated task;
  - C. Encourage expressions of ideas, opinions and feelings.
- 2. Each teacher shall:
  - A. Create interest through the use of materials and techniques appropriate to the varying abilities and background of students;
  - B. Consider individual student interests and abilities when planning and implementing instruction.
- 3. Each administrator shall:
  - A. Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task;
  - B. Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

Communication Skills for Holders of Public School Certificates:

In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

- 1. Utilize information and materials that are relevant to the designated task;
- 2. Use language and terminology which are relevant to the designated task;
- 3. Use language which reflects an understanding of the ability of the individual or group;
- 4. Assure that the designated task is understood;



5. Use feedback techniques which are relevant to the designated task;
6. Consider the entire context of the statements of others when making judgments about what others have said; and
7. Encourage each individual to state his ideas clearly.

Management techniques for Holders of Public School Certificates:

The educator shall:

1. Resolve discipline problems in accordance with law, school board policy, and administrative regulations and policies;
2. Maintain consistency in the application of policy and practice;
3. Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others; and
4. Develop and maintain positive standards of conduct.

Competence in Specialization for Holders of Public School Certificates:

Each educator shall:

1. Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation;
2. Be aware of current developments in his or her field; and
3. Possess knowledge of resources which may be utilized in improving instruction in his or her area of specialization.

Evaluation of Learning and Goal Achievement for Holders of Public School Certificates:

An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement, and each educator shall:

1. Utilize several types of evaluation techniques;
2. Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;
3. Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis;
4. Utilize the results of evaluation for planning, counseling and program modification; and
5. Explain methods and procedures of evaluation to those concerned.

Human and Interpersonal Relationships for Holders of Public School Certificates:

Educators shall possess effective human and interpersonal relations skills and therefore:

1. Shall allow others who hold and express differing opinions or ideas to freely express such ideas;
2. Shall not knowingly misinterpret the statement of others;
3. Shall not show disrespect for or lack of acceptance of others;
4. Shall provide leadership and direction for others by appropriate example;
5. Shall offer constructive criticism when necessary;

6. Shall comply with reasonable request and orders given by and with proper authority;
7. Shall not assign unreasonable tasks; and
8. Shall demonstrate self-confidence and self-sufficiency in exercising authority.

**Personal Requirements for Holders of Public School Certificates:**

In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason or training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each educator within the scope of delegated authority shall:

1. Be able to engage in physical activity appropriate to the designated task except for temporary disability;
2. Be able to communicate so effectively as to accomplish the designated task;
3. Appropriately control his or her emotions; and
4. Possess and demonstrate sufficient intellectual ability to perform designated tasks.

### CERTIFICATED EMPLOYEE DEFINED

Certificated employees, including administrators, are those employees required to hold an appropriate certificate from the Nebraska Department of Education for their position as required by the Professional Practices Commission or others with professional licenses. Certificates required for a position will be considered met if the employee meets the requirements established by the Nebraska Department of Education.

It shall be the responsibility of the superintendent to establish job specifications and job descriptions for certificated employees' positions, other than the position of the superintendent. Job descriptions may be approved by the board.

Certificated employees must present evidence of current certificate to the superintendent prior to September 15 and before any payment of salary each year.

Legal Reference: Neb. Statute 79-801 et seq.

Cross Reference: 406.02 Certificated Employee Qualifications, Recruitment  
and Selection  
411.01 Substitute Teachers  
412.01 Support Staff Defined

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a certificated position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," shall have an opportunity to apply and qualify for certificated positions in the school district without regard to age, race, creed, color, sex, national origin, religion or disability. Job applicants for certificated positions shall be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state certificate or license if required for the position.

Announcement of the position shall be in a manner which the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications shall be returned to the school district administrative office. Whenever possible, the preliminary screening of applicants shall be conducted by the administrator who will be directly supervising and overseeing the person being hired.

The board shall take action regarding employment of certificated applicants after receiving a recommendation from the superintendent. However, the superintendent shall have the authority to employ a certificated employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding qualifications, recruitment and selections of such employees shall be followed.

Legal Reference: 29 U.S.C. §§ 621-634 (1994).  
42 U.S.C. §§ 2000e et seq. (1994).  
42 U.S.C. §§ 12101 et seq. (1994).

Cross Reference: 402.01 Equal Employment Opportunity  
406 Certificated Employees - General  
411.01 Substitute Teachers  
412.02 Support Staff Qualifications, Recruitment, Selection

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE INDIVIDUAL CONTRACTS

The board will enter into a written contract with certificated employees, other than administrators, employed on a regular basis. Each contract will be for a period of ~~185~~ days designated in the Negotiated Agreement, roughly corresponding with the school year.

It shall be the responsibility of the superintendent to complete the contracts for certificated employees and present them to the board for approval. Upon receipt of the contract, the certificated employee will have until the date specified on the contract or the date specified by the board to sign and return the contract to the Superintendent. If contracts are not returned within this period, the position will be considered open and candidates will be secured to fill the vacancy.

A certificated employee may not be required to accept employment for the next school year prior to March 15. The contracts, after being signed by at least one board member, shall be kept on file in the administration offices.

Legal Reference: Neb. Statute 79-817 to 822

Cross Reference: 406.02 Certificated Employee Qualifications, Recruitment,  
and Selection  
406.04 Certificated Employee Continuing Contracts  
408 Certificated Employee Termination of Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE CONTINUING CONTRACTS

Contracts entered into with certificated employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

The first three years of a continuing contract issued to a newly employed certificated employee shall be considered a probationary period. In the event of termination of the employee's contract during this period, the board shall afford the certificated employee appropriate due process. The action of the board will be final.

Certificated employees whose contracts will be recommended for termination, amendment or nonrenewal by the board will receive notice prior to April 15. The superintendent shall make a recommendation to the board for the termination of the certificated employee's contract.

Certificated employees who wish to resign, to be released from a contract, or to retire must comply with board policies and contract language in those areas.

Legal Reference:                   Neb. Statute 79-824 to 842

Cross Reference:                406.03 Certificated Employee Individual Contracts  
  406.09 Certificated Employee Probationary Status/Tenure  
  408     Certificated Employee Termination of Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE WORK DAY

The work day for certificated employees shall begin each day of the school year at a time established by the superintendent. Certificated employees who are employed only during the academic year shall have the same work day as other certificated employees. "Day" is defined as one work day regardless of full-time or part-time status of an employee.

Certificated employees are to be in their assigned school building during the work day. Advance approval to be absent from the school building must be obtained from the principal whenever the certificated employees must leave the school building during the work day.

The building principal is authorized to make changes in the work day in order to facilitate the education program. These changes shall be reported to the superintendent.

The work day outlined in this policy is a minimum work day. Nothing in this policy prohibits certificated employees from working additional hours outside the work day.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding work day of such employees shall be followed.

Cross Reference: 201.01 Board Powers and Responsibilities

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE ASSIGNMENT

Determining the assignment of each certificated employee is the responsibility of and within the sole discretion of the board. In making such assignments the board shall consider the qualifications of each certificated employee and the needs of the school district.

It shall be the responsibility of the superintendent to make recommendations to the board regarding the assignment of certificated employees.

Any requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding assignment of such employees shall be followed.

Legal Reference:      Neb. Statute 79-839

Cross Reference:      201.01 Board Powers and Responsibilities

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## CERTIFICATED EMPLOYEE TRANSFERS

Determining the location where an employee's assignment will be carried out is the responsibility and within the sole discretion of the board. In making such assignments the board shall consider the qualifications of each certificated employee and the needs of the school district.

A transfer may be initiated by the employee, the principal, or the superintendent.

It shall be the responsibility of the superintendent to make recommendations to the board regarding the transfer of certificated employees.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding transfers of employees shall be followed.

Legal Reference: Neb. Statute 79-839

Cross Reference: 406.02 Certificated Employee Qualifications, Recruitment,  
and Selection  
406.06 Certificated Employee Assignment

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE EVALUATION

Evaluation of certificated employees on their skills, abilities, and competence shall be an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of certificated employees, other than administrators, but including extracurricular employees, shall be to improve the education program, to maintain certificated employees who meet or exceed the board's standards of performance, to clarify the certificated employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

The formal evaluation criteria shall be in writing. The formal evaluation shall provide an opportunity for the evaluator and the certificated employee to discuss the past semester's performance and the future areas of growth. The formal evaluation shall be completed by the evaluator, signed by the certificated employee and filed in the certificated employee's personnel file. This policy supports, and does not preclude, the ongoing informal evaluation of the certificated employee's skills, abilities and competence.

The Superintendent will create an administrative regulation describing the procedure to be used for evaluations and including the evaluation instrument. At a minimum this will provide for evaluation of instructional performance, classroom organization and management, professional conduct, and personal conduct. It will provide for a written description of all noted deficiencies, specific means for the correction of the noted deficiencies and an adequate timeline for implementing the concrete suggestions for improvement. The teacher will be allowed to offer a written response. The regulation will also specify what training will be provided by the district for evaluators.

It shall be the responsibility of the superintendent to ensure certificated employees are evaluated at least annually. The evaluation shall include at least one classroom observation for one period.

New and probationary certificated employees shall be evaluated at least once each semester. This evaluation procedure will include at least one classroom observation for one period each semester.

The requirements stated in the Negotiated Contract between employees in the certified collective bargaining unit and the board regarding evaluation of such employees shall be followed.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference: Neb. Statute 79-828  
NDE Rule 10-007.06

Cross Reference: 406.02 Certificated Employee Qualifications, Recruitment,  
and Selection  
406.09 Certificated Employee Probationary Status/Tenure  
408.05 Certificated Employee Reduction-In-Force

## CERTIFICATED EMPLOYEE PROBATIONARY STATUS

The first three years of a new full-time certificated employee's contract shall be a probationary period. The probationary period for part-time certificated employees shall be based upon formulas provided by state statute.

During this probationary period the board may terminate or amend the certificated employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Certificated employees may also serve a probationary period based upon their performance. Such probationary period shall be determined on a case-by-case basis in light of the circumstances surrounding the employee's performance as documented in the employee's evaluations and personnel file. Prior to such a determination the employee will be allowed due process as provided by state statutes and the Negotiated Contract.

Legal Reference:      Neb. Statute 79-828

Cross Reference:      406.04 Certificated Employee Continuing Contracts  
                                 406.08 Certificated Employee Evaluation

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE SALARY SCHEDULE

The board shall establish salary schedules for certificated employees' positions keeping in mind the financial condition of the school district, the education and experience of the certificated employee, the educational philosophy of the school district, and other factors deemed relevant by the board.

It shall be the responsibility of the superintendent to make a recommendation to the board annually regarding the salary schedule. The salary schedule shall be subject to review and modification through the collective bargaining process.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding wages and salaries of such employees shall be followed.

Cross Reference:     406     Certificated Employees - General  
                          407.02 Certificated Employee Salary Schedule Advancement

Approved 10/12/09     Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CERTIFICATED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

The board shall determine which certificated employees will advance on the salary schedule for the certificated employees' positions, keeping in mind the financial condition of the school district, the education and experience of the certificated employee, the educational philosophy of the school district, and other considerations as determined by the board.

It shall be the responsibility of the superintendent to make a recommendation to the board for the advancement of certificated employees on the salary schedule.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding salary schedule advancement of such employees shall be followed.

Cross Reference:     406     Certificated Employees - General  
                          407     Certificated Employee Compensation and Benefits

Approved 10/12/09     Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE CONTINUED EDUCATION CREDIT

Continued education on the part of certificated employees may entitle them to advancement on the salary schedule or endorsement in additional subjects. Certificated employees who have completed additional hours will be considered for advancement on the salary schedule. The board shall determine which certificated employees will advance on the salary schedule for continued education keeping in mind the financial condition of the school district, the education and experience of the certificated employee, the educational philosophy of the school district, and any other items deemed relevant by the board.

Certificated employees who wish to obtain additional education for advancement on the salary schedule or other job-related purposes must notify their supervisor by September 1 of the school year preceding the actual year when advancement or addition of endorsements occurs. Additional education for salary advancement must be in the same area as the education that was required of the employee to hold the employee's current position with the school district. For purposes of illustration only, a math teacher would advance on the salary schedule only if the additional education was in math courses. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

It shall be the responsibility of the superintendent to make a recommendation to the board for the advancement of a certificated employee on the salary schedule.

The requirements stated in the Negotiated Contract between certificated employees in a certified collective bargaining unit and the board regarding continued education credit of such employees shall be followed.

Cross Reference:     406     Certificated Employees - General  
                          407     Certificated Employee Compensation and Benefits  
                          408.05 Certificated Employee Reduction-In-Force

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE COMPENSATION FOR EXTRA DUTY

A certificated employee may volunteer or be required to take on extra duty, with the extra duty being secondary to the major responsibility of the certificated employee. The board shall establish a salary schedule for extra duty certificated employee positions, keeping in mind the financial condition of the school district, the education and experience of the certificated employee, the educational philosophy of the school district, and other considerations as determined by the board.

Vacant extra duty positions, for which extra compensation will be earned, will be posted or announced to allow qualified certificated employees to volunteer for the extra duty. If no certificated employee volunteers for extra duty, the superintendent shall assign the extra duty positions to qualified certificated employees. The certificated employee shall receive compensation for the extra duty required to be performed.

It shall be the responsibility of the superintendent to make a recommendation to the board annually as to which certificated employees shall have the extra duty, and the salary schedule for extra duty, for the board's review.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the compensation for extra duties of such employees shall be followed.

Cross Reference:     406     Certificated Employees - General  
                          407     Certificated Employee Compensation and Benefits

Approved 10/12/09     Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## JOB DESCRIPTION FOR COACHES, SPONSORS AND ADVISORS

### General Statement of Duties – Head Coaches/Sponsors/Advisors

The head coach/sponsor/advisor is responsible to the athletic or activities director. The head coach/sponsor/advisor of an individual activity must realize that any activity sponsored by a school is a part of the total program offered by that school. The head coach/sponsor/advisor shall be responsible for the entire activity and shall exercise appropriate leadership techniques to ensure that the activity has a positive and productive influence on the total educational experiences of students. The head coach/sponsor/advisor must have a thorough knowledge of the activity, adequate skill background in the activity and the ability to encourage student participation in the activity.

### Examples of Duties and Responsibilities

#### 1. Administrative Responsibilities

- A. Arranges orientation programs to encourage student participation.
- B. Assists the activity director in the recommendation of assistants to be employed and on the evaluation of assistants.
- C. Attends meetings in the school or at the county level that deal directly with the sport/activity coached, sponsored or advised.
- D. Attends a rules interpretation meeting dealing with the sport/activity if appropriate.
- E. Assumes responsibility for implementing the procedures outlined in the district activities policies, NSAA regulations, and other recognized governing organizations.
- F. Completes and submits a pre-season and post-season inventory of equipment and uniforms to the activity director. Assesses individual members the cost of all lost equipment or supplies.
- G. Assumes responsibility for all equipment used during practice and for contests.
- H. Assumes responsibility for filing with the athletic director a record of a physical examination, insurance form, emergency care release form, and a parental permission slip for each squad member as well as all other administrative forms.
- I. Submits a squad list to the activity director, for eligibility certification, prior to the first contest.

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

- J. Submits to the activity director necessary reports such as:
    - 1) budget requests,
    - 2) replacement of supplies and/or equipment,
    - 3) maintenance of equipment and facility,
    - 4) roster information,
    - 5) end of season report, and
    - 6) other requested information for official use.
  - K. Meets with vendors of supplies and fund-raising projects.
  - L. Establishes written criteria for the earning of athletic letters and/or other appropriate awards.
  - M. Maintains good public relations with the faculty, community, schools and universities, and news media.
  - N. Reviews box scores and reports, contest results to news media immediately following contest, if applicable.
  - O. Furnishes contest results to activity directors and tournament chairpersons.
  - P. Are encouraged to serve on district and state committees, district and state tournament committees, and on conference committees. Attendance at conference meetings is, of course, required.
  - Q. Serves as a consultant regarding renovation and maintenance of facilities.
  - R. Assists interested participants in furthering their educational opportunities.
  - S. Maintains appropriate individual and team statistics and records as appropriate.
  - T. Works closely with school booster organizations.
  - U. Assists the activity director in scheduling contests.
  - V. Cooperates with cheerleaders, school band, pompom organizations and other related groups in the planning of pep rallies, special programs, etc.
2. Responsibilities of Coaches/Sponsors/Advisors
- A. Decides the personnel of the team/activity.
  - B. Has full control of the activity in all matters pertaining to direction and discipline. (A list of rules and procedures will be filed with the activity director and included with the parents permission to participate form.)

- C. Attends each practice session and all contests of the activity. This includes supervision at all times of the working area until the area is secured before and after practices and contests.
- D. Assumes responsibility for squad members at contests when at home or on a trip.
- E. Organizes and conducts practices, scrimmages, games, and activities within the guidelines of the district policies and the NSAA regulations.
- F. Determines staff assignments and responsibilities.
- G. Conducts staff meetings when appropriate.
- H. Reviews safety procedures with staff and participants.
- I. Prepares equipment, timing instruments and the like for practices and contests.
- J. Repairs equipment as necessary.
- K. Assigns student manager and statistician responsibilities.
- L. Establishes procedures for the proper cleaning and storage of uniforms/equipment.
- M. Develops incentive/award systems as necessary.
- N. Assumes responsibility for one's own sportsmanlike conduct and that of the participants.
- O. Picks up and delivers film of contests, if needed.
- P. Maintains records and becomes involved in the academic progress of all participants.
- Q. Attends clinics related to the activity.
- R. Utilizes accepted methods of care and prevention of athletic injuries when applicable.
- S. Supervises students awaiting transportation home following practices and contests.
- T. Prepares handbooks and playbooks for participants.
- U. Scouts opponent's contests as necessary and prepares reports.
- V. Gives personal support to the entire program.

### 3. Assistants

The assistant works in cooperation with the head coach or sponsor. The assistant possesses a thorough knowledge of the activity, an adequate skill background in the activity, an ability to encourage wide student participation in the activity. The assistant shall be responsible for duties and assignments as delegated by the head coach/sponsor.

The above responsibilities are non all-inclusive. The assistant shall assume other related duties as may be determined by the activity director in consultation with the head coach/sponsor/advisor. Final decision regarding these duties will be made by the principal in consultation with the activity director and superintendent.

CERTIFICATED EMPLOYEE WORKERS' COMPENSATION

The district will participate in workers' compensation as required by statute. All employees of the district will be covered by workers' compensation regardless of type of assignment, length of assignment or hours worked per day.

The selected workers' compensation plan will provide coverage for medical expenses and wages to the extent required by statute to qualifying employees. The amount of workers' compensation wage-replacement and sick leave benefits shall not exceed a regular daily rate of pay.

The superintendent shall be responsible for developing administrative regulations to implement the workers' compensation plan and shall annually review the costs and performance of the plan with the board, making recommendations for changes as necessary.

Legal Reference: Neb. Statute 48-101 et seq.

Cross Reference 404 Employee Health and Well-Being  
905 Safety Program

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE TAX SHELTER PROGRAMS

The board authorizes the administration to make a payroll deduction for certificated employees' tax sheltered annuity premiums purchased from any company the employee chooses or through a Nebraska-licensed salesperson selected by the employee.

Certificated employees wishing to have payroll deductions for tax sheltered annuities shall make a written request to the superintendent.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the tax sheltered annuities of such employees shall be followed.

Cross Reference: 707 Payroll

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEES - RESIGNATION

Any certificated employee who wishes to be released from contract should consider the difficulty of securing an adequate replacement for the district and disruption to the educational program. A late resignation greatly increases this difficulty and disruption.

A certificated employee who wishes to be released from his/her contract shall immediately deliver a written and signed notice of resignation to the office of the Superintendent. The Superintendent, upon reviewing the request and its impact on the district, shall forward the request to the School Board with an appropriate recommendation.

The School Board shall make the final determination regarding the request but shall have no obligation to approve the employee's early release from contract.

The Board may request the employee to continue as a member of the staff and to fulfill the terms of his/her contract. The early release, if allowed, will become effective at the end of the school year in which it is submitted. If the employee has requested the release to become effective at an earlier date than the end of the school year, the Board may consider it on an individual basis.

An employee's refusal to fulfill his/her contract shall be cause for the district to request a suspension or revocation of certification by the Nebraska Department of Education.

Legal Reference: Nebraska Statutes 79-817 to 79-845  
NDE Rule 27, part 007

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE CONTRACT RELEASE

A request for release from a contract shall be contingent upon finding a suitable replacement with the following exception: A request for release from contract submitted before May 1 of the current school year requesting release for the upcoming school year shall be accepted by the Board without any conditions.

The Superintendent or his designee shall have the sole responsibility for determining the criteria used to define a suitable replacement for each position.

The Board of Education shall act upon a request from a certificated employee to be released from his/her contract in the current year if the following conditions are met:

1. The employee provides the Board of Education with sixty (60) calendar days notice prior to the effective requested date of resignation.
2. The effective date of the resignation shall coincide with the end of a grading period.

If in the opinion of the certificated employee unusual circumstances exist, the certificated employee may appeal to the Board to waive any of the above stated requirements.

The superintendent is authorized to file a complaint with the Nebraska Professional Practices Commission against a certificated employee who leaves without proper release from the board.

The Board of Education reserves the right to seek damages against any certificated employee as a result of breach of contract.

Legal Reference: NDE Rule 27  
Neb. Statute 79-817 et seq.

Cross Reference: 406.03 Certificated Employee Individual Contracts  
406.04 Certificated Employee Continuing Contracts  
408.03 Certificated Employee Retirement

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## CERTIFICATED EMPLOYEE RETIREMENT

Certificated employees who will complete their current contract with the board may apply for retirement. No certificated employee will be required to retire at a specific age.

Application for retirement will be considered made when the certificated employee states in writing to the superintendent, no later than the date set by district policy for the return of the employee's contract to the board, the intent of the employee to retire. The letter must clearly state the employee's desire to retire.

Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It shall be within the discretion of the board to determine whether special circumstances exist.

Board action to approve a certificated employee's application for retirement shall be final and such action constitutes nonrenewal of the employee's contract for the next school year.

Certificated employees who retire under this policy may qualify for retirement benefits through the State School Retirement Fund.

Cross Reference:      402.09 Recognition for Service of Employees  
                                 408.06 Certificated Employee Early Retirement

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### CERTIFICATED EMPLOYEE SUSPENSION

Certificated employees shall perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a certificated employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It shall be within the discretion of the superintendent to suspend a certificated employee with or without pay.

In the event of a suspension, appropriate due process shall be followed.

Cross Reference:     405   Employee Conduct and Appearance  
                          408   Certificated Employee Termination of Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE REDUCTION-IN-FORCE

The board has the exclusive authority to determine the appropriate number of certificated employees. Reductions-in-force of certificated staff members may be required due to changes in the size or nature of the student population, limited financial support, changing programs, staff realignment or other changes in circumstances. Reduction-in-force may result in termination of employment, an amendment to the employee's contract reducing the employee from full-time to part-time status or an amendment to the contract of a part-time employee further reducing that employee's percentage of employment.

Prior to the reduction-in-force the board shall present evidence that such changes in circumstances have occurred. If a reduction of certificated staff is necessary, the superintendent or designee shall recommend to the school board those certificated employees to be reduced in employment under the provisions of this policy. No permanent employee may be selected for a reduction-in-force while a probationary employee is retained to perform a service that the permanent employee is qualified by certification and endorsement to perform or where certification is not applicable, by reason of college credits in the teaching area.

Due to the often intimate, confidential, and unique personal working relationship necessary between the administration and the school board, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the school system.

The selection of personnel to be terminated shall be made with consideration given to the following: (Not listed with regard to priority)

- a. Programs to be offered;
- b. Areas of certification and endorsement;
- c. State and federal regulations which may mandate certain employment practices;
- d. Special qualifications that may require specific training and/or experience;
- e. Contributions to activity programs;
- f. Qualifications based on past performance and competence as determined by the principal and/or superintendent through employee evaluation procedures;
- g. The organizational and educational impact created by multiple part time certificated employees; and
- h. Any other reasons which can be rationally related to the instruction in or administration of the school system.
- i. The organizational and educational impact created by multiple part time certificated employees; and
- j. Any other reasons which can be rationally related to the instruction in or administration of the school system.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

- k. The organizational and educational impact created by multiple part time certificated employees; and
- l. Any other reasons which can be rationally related to the instruction in or administration of the school system.

Employee evaluations (including frequency of evaluations, evaluation forms, and number and length of classroom observations, if applicable) used under this policy shall conform to the board policies and administrative rules, regulations, and practices in effect at the time for the periodic evaluation of certificated staff members.

If, after consideration of the above, it is the opinion of the superintendent that no significant difference exists between certificated employees being considered for reduction-in-force, then the employee with the longest uninterrupted service to the district shall be retained.

Due process for all employees selected for a reduction-in-force shall be followed.

Any certificated employee whose contract shall be terminated because of reduction-in-force shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect. Such employee shall have preferred rights to re-employment for a period of twenty four months commencing at the end of the contract year and the employee shall be recalled on the basis of length of service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits that had accrued to that employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

It shall be the responsibility of each certificated employee to file with the superintendent a copy of the employee's teaching certificate (including endorsements) upon initial employment with the district. On or before March 15th of each year thereafter (for so long as the employee is employed in the school system or has rights of recall) evidence of any changes in the employee's certification or endorsements which have occurred since the previous year or are pending shall be filed with the superintendent.

Any certificated employee whose employment contract is terminated as a result of reductions-in-force shall (during his/her period of recall) report his/her current address to the superintendent and shall inform the superintendent of any changes of address thereafter. If a vacancy in the system occurs for which the employee has rights of recall, the offer of such employment may be sent by the superintendent to the employee's last known address. If no acceptance of such offer is received from the employee within fourteen days of mailing and the superintendent has no personal knowledge of the whereabouts of the employee (other than last known address), the employee shall be deemed to have waived his/her rights to recall to the employment position.



## CERTIFICATED EMPLOYEE PROFESSIONAL DEVELOPMENT

The board encourages certificated employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board shall maintain and support an in-service program for certificated employees.

The superintendent and or designee will develop and schedule in-service workshops as appropriate to the needs of the district and will inform the board regarding in-service staff development.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding professional development of such employees shall be followed.

Legal Reference: NDE Rule 10  
Neb. Statute 79-830

Cross Reference: 409.02 Certificated Employee Training, Workshops or  
Conferences

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE TRAINING, WORKSHOPS OR CONFERENCES

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, shall be made to the building principal. Approval of the superintendent must be obtained prior to attendance by a certificated employee in a professional development program when the attendance would result in the certificated employee being excused from their duties or when the school district pays the expenses for the program.

Employees authorized by the superintendent to represent the school system at training, workshops and conferences will be allowed salary and expenses in conformance with regulations on expense reimbursement. Requests that involve unusual expenses or overnight travel must also be approved by the superintendent.

The superintendent shall have sole final discretion to allow or disallow certificated employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the certificated employee and the school district, the effect of the certificated employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgment of the superintendent.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding professional development of such employees shall be followed.

Cross Reference:     402.08 Employee Travel Compensation  
                              402.11 Credit Cards

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CERTIFICATED EMPLOYEE PUBLICATION OR CREATION OF MATERIALS

Materials created by certificated employees and the financial gain therefrom shall be the property of the school district if school materials and time were used in their creation or such materials were created in the scope of the certificated employee's employment. The certificated employee must seek prior written approval of the superintendent concerning such activities.

Cross Reference:      402.03 Employee Conflict of Interest  
                                 607.04 Student Production of Materials and Services

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## CERTIFICATED EMPLOYEE TUTORING

Every effort will be made by the certificated employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by certificated employees may be approved by the superintendent.

Certificated employees may only tutor students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility unless approved by the board.

Tutoring for a fee may not take place within school facilities or during regular school hours unless approved by the superintendent.

Legal Reference: NDE Rule 27  
Neb. Statute 49-14,101.01

Cross Reference: 402.03 Employee Conflict of Interest  
403.06 Employee Outside Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CERTIFICATED EMPLOYEE VACATION, HOLIDAYS AND PERSONAL LEAVE

The board shall determine the amount of vacation, holidays, and personal leave that will be allowed on an annual basis for certificated employees.

It shall be the responsibility of the superintendent to make a recommendation to the board annually on vacations, holidays, and personal leave for certificated employees.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the vacations, holidays and personal leave of such employees shall be followed.

Cross Reference:     410.08 Certificated Employee Unpaid Leave  
                          415.01 Support Staff Vacations, Holidays and Personal Leave  
                          602.01 School Calendar

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CERTIFICATED EMPLOYEE PERSONAL ILLNESS LEAVE

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the personal illness leave of such employees shall be followed.

Cross Reference:      404.02 Employee Injury on the Job  
                                 410.03 Certificated Employee Family and Medical Leave  
                                 410.08 Certificated Employee Unpaid Leave

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATIONS

### Determining the 12-month previous employment eligibility:

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the district's intention to rehire the employee after the break in service.

### Spouses employed by the same employer:

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

### Serious Health Condition defined:

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider, which includes:
  - A. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
    - 1) Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
    - 2) One treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
  - B. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

- C. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
- D. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- E. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Intermittent Leave for “Instructional Employees”:

Special rules apply if an employee employed “mainly in an instructional capacity” requests intermittent leave or leave on a reduced schedule because of his/her own serious health condition or the serious health condition of a parent, child, or spouse that is foreseeable based on a planned medical treatment and the employee would be gone for more than twenty percent (20%) of the working days during the period of leave. In such cases, the district may require the employee to do the following things:

1. Take leave for periods of a particular duration not to exceed the duration of the planned medical treatment.
2. Transfer temporarily to another position offered by the district for which the employee is qualified, as long as the new position has equivalent pay and benefits and better accommodates the recurring periods of leave.

An instructional employee who takes leave constituting less than twenty percent (20%) of the working days during the leave period would not be subject to transfer to an alternative position, or a requirement to be on leave for the duration of the treatment period.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition or if the employee has a serious health condition, if:

1. The employee, whether requesting leave because of his/her own serious health condition or because of the serious health condition of a parent, child, or spouse fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures or a continuous treatment schedule).
2. The employee, whether requesting leave for his/her own serious health condition or because of the serious health condition of a family member, fails to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Intermittent leave or a reduced leave schedule may not be taken for the birth of a child or for the placement of a child for adoption or foster care.

When intermittent leave or leave on a reduced leave schedule is requested based on planned medical treatment, the district also may alter an existing job to better accommodate the employee's need for intermittent or reduced leave. The alternative or altered position must have equivalent pay and benefits.

#### End-Of-Semester Circumstances

In some circumstances, the district may require instructional employees to continue their leave to the end of the academic semester within the FMLA guidelines.

#### Maintenance Of Health Benefits

The district is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the district may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

#### Job Restoration

Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

#### Notice And Certification

Employee Notice: Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the district as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the district's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for the district reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave due to a FMLA-qualifying reason for which the district has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice: The district will post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. Additionally, the district will either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring. When an employee requests FMLA leave or the district acquires knowledge that leave may be for a FMLA purpose, the district shall notify the employee of his or her eligibility to take leave and inform the employee of his/her rights and responsibilities under FMLA. When the district has enough information to determine that leave is being taken for a FMLA-qualifying reason, the district must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification: The district may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The district may require second or third medical opinions (at the district's expense) and periodic recertification of a serious health condition. The district may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. The district may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the district may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

## CERTIFICATED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Continuing treatment-a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
  - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Eligible Employee-the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential Functions of the Job-those functions which are fundamental to the performance of the job. It does not include marginal functions.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



Employment benefits-all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan."

Family Member-individuals who meet the definition of son, daughter, spouse or parent.

Group health plan-any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

Health care provider-

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is licensed to practice in accordance with the laws and regulations of that country.

In loco parentis-individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee-an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving

instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Intermittent leave-leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically Necessary-certification for medical necessity is the same as certification for serious health condition.

"Needed to Care For"-the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Parent-a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability-a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule-a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

#### Serious health condition

- An illness, injury, impairment, or physical or mental condition that involves:
  - Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
  - Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
    - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any

subsequent treatment or period of incapacity relating to the same condition, that also involves:

- Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers,

headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Son or daughter-a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse-a husband or wife recognized by Nebraska law.

CERTIFICATED EMPLOYEE BEREAVEMENT LEAVE

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the bereavement leave of such employees shall be followed.

Cross Reference:     410     Certificated Employee Vacations and Leaves of Absence

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE JURY DUTY LEAVE

Any employee who is summoned to serve on jury or election board duty, or who is subpoenaed to provide testimony, shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from work due to such service provided the employee submits a copy of the summons, in advance, to the employee's supervisor.

Certificated employees will receive their regular salary. Any payment for jury duty shall be paid to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Legal Reference: Neb. Statute 25-1640

Cross Reference: 410 Certificated Employee Vacations and Leaves of Absence

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CERTIFICATED EMPLOYEE MILITARY SERVICE LEAVE

Certificated employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve and State Guard are entitled to a leave of absence, without loss of pay, on all days during which they are employed under the orders or authorization of competent authority in the active service of the State or United States. Such leave of absence will be without loss of pay for a period not to exceed fifteen (15) work days in any one calendar year. Such leave of absence will be in addition to any leave provided by the District through policy or negotiated agreement. Any such leave which extends beyond fifteen (15) work days in any one calendar year shall be without pay from the remaining contract payments.

If the Governor of the State of Nebraska declares a state of emergency any of the above certificated employees who are ordered to active service shall receive an additional leave of absence will be granted until such member is released from the active service by competent authority. During this additional leave of absence, the employee shall receive such portion of his or her salary or compensation as will equal the loss he or she may suffer while in the active service of the state. The loss he or she may suffer while in the active service of the state is defined as the differential between military salary and district salary.

Employees who are required to leave a position other than temporary for training with the armed forces of the United States or to undertake military duty in the active service of the state are entitled to a leave of absence for such period, not to exceed five years, plus any additional period as provided by law, without loss of status and without loss of pay during the first fifteen work days, which pay for the first fifteen work days is not in addition to that described above.

Upon an honorable discharge from active service, such employee shall be entitled to a return to a comparable position as provided by law as long as he or she:

1. has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise unreasonable);
2. has not been absent from his or her job for more than five years; and
3. returns to work as outlined below.

The following periods and conditions of return to work apply to the employee who was absent:

1. If absent less than 31 days, the employee must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
2. If absent more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
3. If absent more than 180 days, by submitting an application for reemployment within 90 days after the completion of service.

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Such person shall not be discharged without justifiable cause within one year after reinstatement if the person's period of military service before the reemployment was more than 180 days. Such person shall not be discharged without justifiable cause within 180 days after the date of reemployment if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

An employee reemployed after military leave will be treated as not having incurred a break in service. Absence for any of the reasons stated above shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of the employee's employment normally to be anticipated in the employee's particular position.

Legal Reference:       Neb. Statute 55-160 to 166  
  79-838  
  38 U.S.C. §§ 4312, 4313, 4316, 4317  
  20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267

Cross Reference:       410     Certificated Employee Vacations and Leaves of Absence



CERTIFICATED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in this or other leave policies of the board. Unpaid leave for certificated employees must be authorized by the superintendent. Any unused Personal Leave days must be applied to such absences rather than including them as Unpaid Leave.

The superintendent shall have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent shall consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period shall be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, certificated employees shall make a written request for unpaid leave 60 days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary shall be made unless they are waived specifically by the superintendent.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the unpaid leave of such employees shall be followed.

Cross Reference: 410 Certificated Employee Vacations and Leaves of Absence

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## SUMMER SCHOOL CERTIFICATED EMPLOYEES

It shall be within the discretion of the board to offer an education program during the summer recess. Certificated employees who volunteer or who are appointed to deliver the summer education program shall be compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

Should the board determine a summer education program is necessary, certificated employees shall be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no certificated employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current certificated employees in conjunction with other applications.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

Cross Reference: 604.02 Summer School Instruction

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## ATTENDANCE OFFICER

The Superintendent shall appoint a certificated employee from each school building to serve as the building's attendance officer.

The principal shall notify the attendance officer when a student is truant. The attendance officer shall investigate the cause of a student's truancy and attempt to ensure the student's attendance. The attendance officer may take the student into custody. A student taken into custody shall be placed in the custody of the principal. The attendance officer shall attempt to contact the student's parents when the student is taken into custody.

Legal Reference:                      Neb. Statute 79-208 and 209

Cross Reference:                      503.04 Truancy - Unexcused Absences

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## PARAPROFESSIONALS

The board may employ paraprofessionals or other instructional support personnel to assist certificated personnel in nonteaching duties, including, but not limited to:

- managing and maintaining records, materials and equipment;
- attending to the physical needs of children; and
- performing other limited services to support teaching duties when such duties are determined and directed by the teacher.

Paraprofessionals who hold a teaching certificate shall be compensated at the rate of pay established for their position as an paraprofessionals. It shall be the responsibility of the principal to supervise paraprofessionals.

Cross Reference: 412.02 Support Staff Qualifications, Recruitment, Selection

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF DEFINED

Support staff are employees who are not administrators or employees in positions which require a Nebraska Department of Education teaching certificate and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis. Support staff shall include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and temporary help for summer or other maintenance. The position may be full-time or part-time. Full-time school nurses are often included at the board's discretion as certificated staff.

It shall be the responsibility of the superintendent to establish job specifications and job descriptions for support staff positions. Job descriptions may be approved by the board.

Support staff required to hold a license for their position must present evidence of their current license to the superintendent prior to payment of wages each year.

Cross Reference:     406.01 Certificated Employee Defined  
                          412.02 Support Staff Qualifications, Recruitment, Selection  
                          413.03 Support Staff Group Insurance Benefits

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF QUALIFICATIONS, RECRUITMENT, AND SELECTION

Managing the qualifications, recruitment and selection of candidates for these positions shall be the responsibility of the superintendent or designee who shall confer with principals and other supervisory personnel in making a selection.

Persons interested in a support staff position shall have an opportunity to apply and qualify for support staff positions in the school district without regard to age, race, creed, color, sex, national origin, religion or disability. Job applicants for support staff positions shall be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state or other license or certificate, if required, for the position.

All vacancies shall be made known to the present staff. Anyone qualified for a position may submit an application.

Announcement of the position shall be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from, and completed applications shall be returned to, the central administration office. A standard application form shall be developed for these positions to ensure the enforcement of non-discrimination employment procedures. A signed release shall be obtained from the prospective candidates authorizing reference and background checks.

Whenever possible, the preliminary screening of applicants shall be conducted by the administrator who directly supervises and oversees the position. The interviewer shall work from a written list of interview questions, using the same set of questions for each applicant. Gaps in the applicant's employment record will be questioned and checked.

A minimum of three reference checks should be made by telephone and using a standard list of questions shall be used in the screening process. These checks shall be documented and filed with the employee's records.





SUPPORT STAFF LICENSING/CERTIFICATION

Support staff who require a special license or other certification shall keep them current at their own expense. Licensing requirements needed for a position will be considered met if the employee meets the requirements established by law and by the Nebraska Department of Education for the position.

Cross Reference: 412.02 Support Staff Qualifications, Recruitment, Selection

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF ASSIGNMENT

Determining the assignment of each support staff is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent shall consider the qualifications of each support staff and the needs of the school district.

It shall be the responsibility of the superintendent to assign support staff and report such assignments to the board.

Cross Reference:      201.01 Board Powers and Responsibilities  
                                 412.06 Support Staff Transfers

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF TRANSFERS

Determining the location where a support staff member's assignment will be performed is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent shall consider the qualifications of each support staff member and the needs of the school district.

A transfer may be initiated by the employee, the principal or the superintendent.

It shall be the responsibility of the superintendent to transfer support staff and report such transfers to the board.

Legal Reference:     29 U.S.C. §§ 621-634 (1994).  
                          42 U.S.C. §§ 2000e et seq. (1994)  
                          42 U.S.C. §§ 12101 et seq. (1994).

Cross Reference:     412.02 Support Staff Qualifications, Recruitment, Selection  
                          412.05 Support Staff Assignment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF EVALUATION

Evaluation of support staff on their skills, abilities, and competence shall be an ongoing process supervised by the superintendent. The goal of the evaluation of support staff shall be to maintain support staff who meet or exceed the board's standards of performance, to clarify each support staff member's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

Cross Reference:     412.02 Support Staff Qualifications, Recruitment, Selection  
                          412.08 Support Staff Probationary Status

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF COMPENSATION

The board shall determine the compensation to be paid for the support staff positions, keeping in mind the education and experience of the support staff member, the educational philosophy of the school district, the financial condition of the school district and any other considerations as deemed relevant by the board.

It shall be the responsibility of the superintendent to make a recommendation to the board annually regarding the compensation of support staff.

Cross Reference: 413.02 Support Staff Wage and Overtime Compensation

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF WAGE AND OVERTIME COMPENSATION

Each non-exempt employee compensated on an hour-by-hour basis, whether full-or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever a non-exempt employee must work more than forty hours in a given work week, the employee shall be compensated at one and one-half times their regular hourly wage rate. This compensation shall be in the form of overtime pay or compensatory time. Overtime will not be permitted without prior authorization of the superintendent.

Each non-exempt employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of, a daily time record will be grounds for disciplinary action.

It is the responsibility of the superintendent or designee to maintain wage records.

Legal Reference: 29 U.S.C. §§ 206 et seq. (1994).  
29 C.F.R. Pt. 778 (1968).

Cross Reference: 413.01 Support Staff Compensation

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF WORKERS' COMPENSATION

The district will participate in workers' compensation as required by statute. All employees of the district will be covered by workers' compensation regardless of type of assignment, length of assignment or hours worked per day.

The selected workers' compensation plan will provide coverage for medical expenses and wages to the extent required by statute to qualifying employees. The amount of workers' compensation wage-replacement and sick leave benefits shall not exceed a regular daily rate of pay.

The superintendent shall be responsible for developing administrative regulations to implement the workers' compensation plan and shall annually review the costs and performance of the plan with the board, making recommendations for changes as necessary.

Legal Reference: Neb. Statute 48-101 et seq.

Cross Reference     404    Employee Health and Well-Being  
                             905    Safety Program

Approved 10/12/09            Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF TAX SHELTER PROGRAMS

The board authorizes the administration to make a payroll deduction for support staff tax sheltered annuity premiums purchased from any company the employee chooses or through a Nebraska-licensed salesperson selected by the employee.

Support staff wishing to have payroll deductions for tax sheltered annuities shall make a written request to the superintendent.

Cross Reference: 707.01 Payroll Procedures

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## SUPPORT STAFF RETIREMENT

Support staff who will complete their current contract with the board may apply for retirement. No support staff members will be required to retire at any specific age.

Application for retirement will be considered made when the support staff member states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board if applicable, the employee's intent to retire.

Board action to approve a support staff member's application for retirement shall be final, and such action constitutes termination of the employee's contract effective the day of the employee's retirement.

Legal Reference: 29 U.S.C. §§ 621 et seq. (1994).

Cross Reference: 402.09 Recognition for Service of Employees

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF SUSPENSION

Support staff shall perform their assigned jobs, respect and follow board policy and obey the law. The superintendent is authorized to suspend a support staff member with or without pay pending board action on a discharge or during investigation of charges against the employee or for disciplinary purposes. It shall be within the discretion of the superintendent to suspend a support staff member with or without pay.

In the event of a suspension, due process will be followed.

Cross Reference:     405     Employee Conduct and Appearance  
                          414     Support Staff Termination of Employment

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF DISMISSAL

The board believes classified employees should perform their jobs, respect board policy and obey the law. A support staff member may be dismissed upon 14 days notice or immediately for cause.

It shall be the responsibility of the superintendent to handle the dismissal of support staff. A support staff member may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction-in-force, willful violation of board policy or administrative regulations, or a violation of the law.

Cross Reference:     405     Employee Conduct and Appearance  
                          414.03 Support Staff Suspension  
                          414.05 Support Staff Reduction-In-Force

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF REDUCTION-IN-FORCE

It is the exclusive power of the board to determine when a reduction in support staff is necessary. Employees who are terminated due to a reduction-in-force shall be given 14 days notice. Due process will be followed for terminations due to a reduction-in-force.

It shall be the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent will consider the relative qualifications, skills, ability and demonstrated performance through evaluation procedures in making the recommendations.

Cross Reference:      408.05 Certificated Employee Reduction-In-Force  
                             414.03 Support Staff Suspension  
                             414.04 Support Staff Dismissal  
                             702     Annual Budget

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



SUPPORT STAFF PERSONAL ILLNESS LEAVE

The requirements stated in the Classified Handbook shall be followed.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

SUPPORT STAFF BEREAVEMENT LEAVE

The requirements state in the Classified Handbook shall be followed.

Approved 10/12/09

Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

SUPPORT STAFF JURY DUTY LEAVE

Any employee who is summoned to serve on jury or election board duty, or who is subpoenaed to provide testimony, shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from work due to such service provided the employee submits a copy of the summons, in advance, to the employee's supervisor.

Support staff will receive their regular salary. Any payment for jury duty shall be paid to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Legal Reference: Neb. Statute 25-1640

Cross Reference: 415 Support Staff Vacations and Leaves of Absence

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## SUPPORT STAFF MILITARY SERVICE LEAVE

Support employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve and State Guard are entitled to a leave of absence, without loss of pay, on all days during which they are employed under the orders or authorization of competent authority in the active service of the State or United States. Such leave of absence will be without loss of pay for a period not to exceed fifteen (15) work days in any one calendar year. Such leave of absence will be in addition to any leave provided by the District through policy or negotiated agreement. Any such leave which extends beyond fifteen (15) work days in any one calendar year shall be without pay from the remaining contract payments.

If the Governor of the State of Nebraska declares a state of emergency any of the above certificated employees who are ordered to active service shall receive an additional leave of absence will be granted until such member is released from the active service by competent authority. During this additional leave of absence, the employee shall receive such portion of his or her salary or compensation as will equal the loss he or she may suffer while in the active service of the state. The loss he or she may suffer while in the active service of the state is defined as the differential between military salary and district salary.

Employees who are required to leave a position other than temporary for training with the armed forces of the United States or to undertake military duty in the active service of the state are entitled to a leave of absence for such period, not to exceed five years, plus any additional period as provided by law, without loss of status and without loss of pay during the first fifteen work days, which pay for the first fifteen work days is not in addition to that described above.

Upon an honorable discharge from active service, such employee shall be entitled to a return to a comparable position as provided by law as long as he or she:

1. has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise unreasonable);
2. has not been absent from his or her job for more than five years; and
3. returns to work as outlined below.

The following periods and conditions of return to work apply to the employee who was absent:

1. If absent less than 31 days, the employee must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
2. If absent more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
3. If absent more than 180 days, by submitting an application for reemployment within 90 days after the completion of service.

Approved 10/12/09 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Such person shall not be discharged without justifiable cause within one year after reinstatement if the person's period of military service before the reemployment was more than 180 days. Such person shall not be discharged without justifiable cause within 180 days after the date of reemployment if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

An employee reemployed after military leave will be treated as not having incurred a break in service. Absence for any of the reasons stated above shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of the employee's employment normally to be anticipated in the employee's particular position.

Legal Reference:       Neb. Statute 55-160 to 166  
  79-838  
  38 U.S.C. §§ 4312, 4313, 4316, 4317  
  20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267

Cross Reference:       410    Certificated Employee Vacations and Leaves of Absence

### SUPPORT STAFF FAMILY AND MEDICAL LEAVE

The district will comply with all provisions of the Family and Medical Leave Act of 1993 and amendments.

Unpaid family and medical leave will be granted up to twelve (12) weeks in any twelve (12) month period to eligible support staff members for the following reasons:

1. The birth or care of a newborn child within one (1) year of the child's birth;
2. The placement or care by way of adoption or foster care with the staff member within one (1) year of the child's arrival;
3. To care for the staff member's spouse, parent or dependent child with a serious health condition;
4. If the staff member's own serious health condition prevents that employee from performing the functions of the employee's job;
5. In qualifying urgent situations arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Unpaid leave will be granted up to twenty-six (26) weeks during a single twelve (12) month period to eligible certificated staff members to care for a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness.

For purposes of this policy, the twelve month period is defined as a twelve –month period beginning September 1 and ending August 31. Requests for family and medical leave shall be made to the superintendent.

To be eligible for FMLA benefits, a district employee must:

1. Have worked for the district for a total of 12 months; and
2. Have worked at least 1,250 hours over the previous 12 months.

When meeting the requirements set out in the family and medical leave administrative rules, employees may be allowed or required to substitute paid leave for unpaid family and medical leave according to the terms and conditions of the district's normal leave policies. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. Requests for FMLA leave shall be

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

submitted in writing. This policy shall not be construed to expand eligibility for a FMLA leave beyond what is required by the Act. It shall be the responsibility of the superintendent to implement this policy.

Legal Reference: 29 U.S.C. §§ 2601 ET SEQ. (1994)

29 C.F.R. Pt. 825 (1996)

Cross Reference: 410.03 Certificated Employee Family and Medical Leave

4115.02 Support Staff Personal Illness Leave

415.08 Support Staff Unpaid Leave

## CERTIFICATED EMPLOYEE FAMILY AND MEDICAL LEAVE

The district will comply with all provisions of the Family and Medical Leave Act of 1993 and amendments.

Unpaid family and medical leave will be granted up to twelve (12) weeks in any twelve (12) month period to eligible certificated staff members for the following reasons:

1. The birth or care of a newborn child within one (1) year of the child's birth;
2. The placement or care by way of adoption or foster care with the staff member within one (1) year of the child's arrival;
3. To care for the staff member's spouse, parent or dependent child with a serious health condition;
4. If the staff member's own serious health condition prevents that employee from performing the functions of the employee's job;
5. In qualifying urgent situations arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Unpaid leave will be granted up to twenty-six (26) weeks during a single twelve (12) month period to eligible certificated staff members to care for a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness.

For purposes of this policy, the twelve month period is defined as a twelve –month period beginning September 1 and ending August 31. Requests for family and medical leave shall be made to the superintendent.

To be eligible for FMLA benefits, a district employee must:

1. Have worked for the district for a total of 12 months; and
2. Have worked at least 1,250 hours over the previous 12 months.

When meeting the requirements set out in the family and medical leave administrative rules, employees may be allowed or required to substitute paid leave for unpaid family and medical leave according to the terms and conditions of the district's normal leave policies. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. Requests for FMLA leave shall be submitted in writing. This policy shall not be construed to expand eligibility for a FMLA leave beyond what is required by the Act. It shall be the responsibility of the superintendent to implement this policy.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding family and medical leave of such employees shall be followed.

Legal Reference: 29 U.S.C. §§ 2601 ET SEQ. (1994)

29 C.F.R. Pt. 825 (1996)

Cross Reference: 410.02 Certificated Employee Personal Illness Leave

410.08 Certificated Employee Unpaid Leave

415.03 Support Staff Family and Medical Leave

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUPPORT STAFF FAMILY AND MEDICAL LEAVE REGULATIONS

### Determining the 12-month previous employment eligibility:

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the district's intention to rehire the employee after the break in service.

### Spouses employed by the same employer:

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

### Serious Health Condition defined:

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider, which includes:
  - A. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
    - 1) Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
    - 2) One treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
  - B. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or

- C. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
- D. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- E. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Intermittent Leave for “Instructional Employees”:

Special rules apply if an employee employed “mainly in an instructional capacity” requests intermittent leave or leave on a reduced schedule because of his/her own serious health condition or the serious health condition of a parent, child, or spouse that is foreseeable based on a planned medical treatment and the employee would be gone for more than twenty percent (20%) of the working days during the period of leave. In such cases, the district may require the employee to do the following things:

1. Take leave for periods of a particular duration not to exceed the duration of the planned medical treatment.
2. Transfer temporarily to another position offered by the district for which the employee is qualified, as long as the new position has equivalent pay and benefits and better accommodates the recurring periods of leave.

An instructional employee who takes leave constituting less than twenty percent (20%) of the working days during the leave period would not be subject to transfer to an alternative position, or a requirement to be on leave for the duration of the treatment period.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition or if the employee has a serious health condition, if:

1. The employee, whether requesting leave because of his/her own serious health condition or because of the serious health condition of a parent, child, or spouse fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures or a continuous treatment schedule).
2. The employee, whether requesting leave for his/her own serious health condition or because of the serious health condition of a family member, fails to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.



Intermittent leave or a reduced leave schedule may not be taken for the birth of a child or for the placement of a child for adoption or foster care.

When intermittent leave or leave on a reduced leave schedule is requested based on planned medical treatment, the district also may alter an existing job to better accommodate the employee's need for intermittent or reduced leave. The alternative or altered position must have equivalent pay and benefits.

#### End-Of-Semester Circumstances

In some circumstances, the district may require instructional employees to continue their leave to the end of the academic semester within the FMLA guidelines.

#### Maintenance Of Health Benefits

The district is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the district may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

#### Job Restoration

Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

#### Notice And Certification

Employee Notice: Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the district as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the district's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for the district reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave due to a FMLA-qualifying reason for which the district has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice: The district will post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. Additionally, the district will either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring. When an employee requests FMLA leave or the district acquires knowledge that leave may be for a FMLA purpose, the district shall notify the employee of his or her eligibility to take leave and inform the employee of his/her rights and responsibilities under FMLA. When the district has enough information to determine that leave is being taken for a FMLA-qualifying reason, the district must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification: The district may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The district may require second or third medical opinions (at the district's expense) and periodic recertification of a serious health condition. The district may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. The district may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the district may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

**CRAWFORD PUBLIC SCHOOLS  
COMPLAINT FORM**

**Name(s) and Address(es) of Complainant(s):**


**Specific Complaint: (Use back of page if necessary)**

**Action or Solution Complainant(s) is/are Seeking or Would Recommend:**

**Complaint Submitted To: \_\_\_\_\_ Date: \_\_\_\_\_**

**Signature(s) of Complainant(s): \_\_\_\_\_ Date: \_\_\_\_\_**

\_\_\_\_\_ **Date: \_\_\_\_\_**  
**(any other complainant(s), please sign on back of page)**

**A written response will be returned to complainant(s) within five (5) working days**