# POLICY REFERENCE MANUAL
## (All Section 400 Policies approved 2/15/17)
## Section 400
## Personnel


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# 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.

Approved _____ Reviewed _____ Revised _____

# EQUAL OPPORTUNITY EMPLOYMENT

The Elgin School District shall provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and non-discrimination 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. Employees will support and comply with the district's established equal employment opportunity and non-discrimination policies. Employees shall be given notice of this policy annually. The board shall appoint an employee to serve as non-discrimination compliance coordinator.

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 district will not discriminate in any aspect of employment with regard to race, color, religion, national or ethnic origin, sex, disability, age, marital status, genetic background, veteran status, pregnancy, or childbirth or related medical condition.

Advertisements and notices for vacancies within the district shall contain the following statement: "The Elgin School District is an equal opportunity employer (EOE)." The statement shall also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and non-discrimination laws and policies, including but not limited to complaints of discrimination, shall be directed to:
Name and/or Title: Dan Polk, Superintendent
Address: box 399
Telephone No.: 402-843-2455

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and non-discrimination laws and policies, including but not 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, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106, (816) 268-0599, 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 or by email to OCR.KansasCity@ed.gov.

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.

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Further information and procedures for filing a complaint are available at the website of the Nebraska Equal Opportunity Commission, http://www.neoc.ne.gov/comp/comp.htm.

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

***This is not a required policy. Boards that adopt this policy must ensure that it is followed. However, districts must provide training for emergency situations as described in the fourth sentence.***

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 *business manager*. 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 _____ 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.

Approved _____ Reviewed _____ Revised _____

3. 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

File:
Page 402.03E1

# 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: _____

# NEPOTISM

More than one family member may be an employee of the school district. It shall be within the discretion of the superintendent to allow one family member employed by the school district to evaluate another family member employed by the school district in a temporary non-certified position.

The employment of more than one individual in a family shall be on the basis of their qualifications, credentials and records.

Cross Reference: 406.02 Certificated Employee Qualifications, Recruitment, Selection
412.02 Support Staff Qualifications, Recruitment, Selection

Approved _____ Reviewed _____ Revised _____

# 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 through the respective chain of command. Complaints shall never be made in the presence of other employees, students or outside persons.

Nothing in this policy shall contradict the requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board.

Cross Reference: 301.04 Communication Channels

Approved _____ 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 _____ Reviewed _____ Revised _____

between the superintendent and the employee. The school district may charge a reasonable fee for each copy made. However, employees will not be allowed access to the employment references written on behalf of the employee. Board members will generally only have access to an employee's file when it is necessary and legally allowed because of an employee related matter before the board.

It shall be the responsibility of the superintendent to keep employees' personnel files current. The copy of the employee's records kept at the superintendent's office is the official copy of their records.

It shall be the responsibility of the superintendent to implement this policy.

Legal Reference: Neb. Statute 79-539
84-1201 et seq.
Nebraska Laws 2007, LB 674

Cross Reference: 403.01 Release of Credit Information
404 Employees' Health and Well-Being

# 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 and the child's guardian when possible.

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 _____ 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. Employees should use/exhaust school vehicle possibilities before incurring reimbursable situations.

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.

ALCOHOL IS NOT REIMBURSABLE EXPENSE

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 _____ 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, 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 per individual per occasion.

The district may authorize, upon a majority vote of the entire board, one recognition dinner each year for elected and appointed officials, employees, or volunteers of the district. In the event that a recognition dinner is authorized by board action, whether for elected and appointed officials, employees, or volunteers jointly or separately, the maximum cost which may be authorized by the board for such dinners shall not exceed $50 per elected or appointed official, employee, or volunteer in attendance.

Legal Reference: Neb. Statute 13-2203

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

Approved _____ 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 _____ Reviewed _____ Revised _____

# CREDIT CARDS

The Superintendent shall determine which employees may use school district credit cards for the purchase of goods and services on behalf of the district or 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 may 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.

The Superintendent, in consultation with the Board, shall determine the acceptable types of purchases for which the credit card may be used.

Employees 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 and may lead to suspension of the employee's credit card use.

It shall be the responsibility of the board to determine through its annual audit whether the school district credit card use and procedures are appropriately handled.

The superintendent shall be responsible for implementing this policy.

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

Approved _____ Reviewed _____ Revised _____

# EMPLOYEE INVOLVEMENT IN DECISION MAKING

The Board will encourage employees to contribute their ideas for the betterment of the district. The staff may 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 _____ Reviewed _____ Revised _____

# COMMUNICATIONS WITH EMPLOYEES

The Board desires to maintain open communication channels between itself, administration 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, typically through the chain of command.

Communications or reports to the Board or Board committee from any staff member or members should be submitted through the administration. 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 administration. The administration will communicate as appropriate to keep staff fully informed of the Board's concerns and actions. This does not exclude communications through district committees and committee appointments.

Cross Reference: 301.04 Communication Channels

Approved _____ 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 _____ 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 discussions, 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 students 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 on school grounds or at school activities;

- Permitting students to address you by your first name, nickname or otherwise in an overly familiar manner on school grounds or at school activities;

- Being alone with individual students by closing a room door except when dealing with issues of health or reasons requiring student privacy by appropriate personnel, or being alone with individual students outside of normal school hours;

- 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); or

- Exchanging personal gifts (beyond the customary student teacher gifts).

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 law enforcement in accordance with the Board's policy on Child Abuse Reporting.

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

Cross Reference: 403.07 Employee Use of Social Networks

# PROHIBITION ON AIDING SEXUAL ABUSE

The district prohibits any employee, contractor or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law. This prohibition does not include the routine transmission of administrative and personnel files.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;

2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;

3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Legal Reference: ESSA section 8038, § 8546

Approved _____ Reviewed _____ Revised _____

# WORKPLACE PRIVACY

The district will not:

1. Require or request that an employee or applicant provide or disclose any user name or password or any other related account information in order to gain access to the employee's or applicant's personal Internet account by way of an electronic communication device;
2. Require or request that an employee or applicant log into a personal Internet account by way of an electronic communication device in the presence of the employer in a manner that enables the employer to observe the contents of the employee's or applicant's personal Internet account or provides the employer access to the employee's or applicant's personal Internet account;
3. Require an employee or applicant to add anyone, including the employer, to the list of contacts associated with the employee's or applicant's personal Internet account or require or otherwise coerce an employee or applicant to change the settings on the employee's or applicant's personal Internet account which affects the ability of others to view the content of such account; or
4. Take adverse action against, fail to hire, or otherwise penalize an employee or applicant for failure to provide or disclose any of the information or to take any of the actions specified above.
5. Require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment.

The district shall maintain its right to control, monitor and review the use of its computers, technology and the Internet as stated in policy 606.06, to access any employee-related information available in the public domain, and conduct investigations related to employee actions prohibited by district policy to the extent those investigations are not expressly prohibited by the Workplace Privacy Act or other applicable state or federal law.

Legal Reference: Neb. Statutes, LB 821 (2016)

Approved _____ Reviewed _____ Revised _____

# PERSONNEL

Work week: The work week for overtime purposes shall be 12:00 a.m. Sunday until 11:59 Saturday. The administration may establish a different 7-day period workweek from time to time for specified employees or employee groups.

Overtime: Overtime will be paid to non-exempt employees as required by law. Compensatory pay in-lieu of overtime pay may be implemented in accordance with law. A non-exempt employee shall not work overtime without the express approval of the employee's supervisor.

Salaried Basis: The District's policy is to not permit improper deductions from the salary of exempt employees who are required to meet a "salaried basis" test for the exemption to be applicable. (Teaching professionals are not subject to the "salaried basis" test.) An employee who feels an improper deduction affecting exemption status has occurred may submit a complaint to the Superintendent or the Superintendent's designee, who shall promptly investigate the complaint. Reimbursement shall be made and a good faith commitment to comply in the future will be given in the event it is determined that an improper deduction affecting overtime exemption has been made.

The District's policy is to authorize unpaid disciplinary suspensions of a full day or more for infractions of workplace conduct rules and to apply such policy uniformly to all similarly situated employees, including exempt employees who are required to meet a "salaried basis" test for the exemption to be applicable. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules of major significance. Deductions of pay of a partial day or of a full day or more may be made for FMLA leaves and in the first and last weeks of employment. In addition, based on principles of public accountancy, deductions from pay of a partial day or of a full day or more will be made for absences for illness, injury or personal reasons when accrued leave is not used or not available, and for absences due to any budget-required furlough.

Legal Source:
Fair Labor Standards Act, 29 U.S.C. 201 et seq.;
29 CFR 541.303; 541.602; 541.603; 541.710; 553.20-.28; and 771.105

Approved: July 8, 2004

Revised: April 2009

# RELEASE OF EMPLOYEE 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 may be released without prior written notice to the employee.

If a current or former employee wishes the district to release information to a prospective employer, written consent must be provided on the district's Employee Information Release Form. Even with the receipt of the Employee Information Release Form, the district may, at the superintendent's discretion, refuse to release such information. The Employee Information Release Form will be invalid six months after the signing date.

Cross Reference: 402.06 Employee Records

Approved _____ Reviewed _____ Revised _____

# CHILD ABUSE REPORTING

All school employees who have reasonable cause to suspect a child is a victim of abuse or neglect, including sexual abuse, or who observe conditions which reasonably would result in abuse or neglect, shall promptly report such incidents to the proper law enforcement authorities and the principal. "Employees" also includes coaches and volunteers participatin in interstate amateur athletic competitions. The principal shall ensure that the report has been made to the proper law enforcement authorities.

The employee shall make an oral report to the local law enforcement agency by telephone within a 24-hour period, followed by a written report if necessary. The report will include all information required by law.

Legal Reference: Neb. Statute 28-711
34 U.S.C. § 20341

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 _____ 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: _____

File: 403.03E2

# 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 on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

# 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 _____ 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: _____

File: 403.03E2

# 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 on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

# GIFTS TO EMPLOYEES

***A nominal dollar value shall be inserted into the two spaces, typically 10 or 25 dollars.***

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 $ 20 approximate value from an individual 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 may become the property of the district if the value is over $ 20 . 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 _____ 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.

5. Complaints about Superintendent after (1) above should be directed to Board President.

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

Approved _____ Reviewed _____ Revised _____

COMPLAINT FORM

Name and address of person making complaint:

_____

_____

Date: _____

Date of action causing complaint:

_____

Name of person(s) being complained against:

_____

I request that:
_____This complaint be used as a conveyance of concern only
_____This complaint be investigated and action be taken only if deemed by the administration
_____Formal charges be brought before the Board

Complaint:

_____

_____

Attach another sheet if necessary.

Support evidence or witnesses:

_____

_____

Attach copies of materials if necessary.

In the event this complaint results in subsequent hearing, I:
_____ will be willing to attend these hearings
_____ will not be willing to attend these hearings.

_____
(signature of person making complaint)

RESPONSE OF PERSON COMPLAINED AGAINST

Date contacted about complaint:

_____

Verification of Action

_____
(attach another sheet if necessary)

Supportive evidence or witnesses:

_____
(attach copies if necessary)

Recommendation:

# 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 _____ Reviewed _____ Revised _____

# EMPLOYEE USE OF SOCIAL NETWORKS

The Superintendent and Administrative Team will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

1. Improper fraternization with students using Facebook and similar internet sites or social networks, or via cell phone, texting or telephone.
   A. Teachers may not list current students as "friends" on networking sites.
   B. All contact and messages by coaches with team members shall be sent to all team members, except for messages concerning medical or academic privacy matters, in which case the messages will be copied to the athletic director and the principal.
   C. Inappropriate contact via e-mail or phone is prohibited.

2. Inappropriateness of posting items with sexual content
3. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol
4. Examples of inappropriate behavior from other districts, as behavior to avoid
5. Monitoring and penalties for improper use of district computers and technology
6. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

All online communication by District employees during the school day, using District resources, or on behalf of the District is subject to District policies. Employees shall maintain a standard of professional responsibility and conduct, realizing their online actions at work and at home represent the District.

The administration or network systems administrator may periodically conduct internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the Principals and Superintendent will promptly bring that inappropriate use to the attention of the staff member and may consider and apply disciplinary action up to and including termination.

Approved _____ Reviewed _____ Revised _____

# EMPLOYEE FUNDRAISING

Any employee fundraising campaigns, including online fundraising such as crowdfunding campaigns, must have prior approval from the Superintendent before taking any actions when using the employee's position to raise funds. Any person or entity acting on behalf of the district and wishing to conduct a fundraising campaign for the benefit of the district must also begin the process by seeking prior approval from the Superintendent. All money raised through an approved fundraising campaign is subject to normal accounting procedures of the district and any additional procedures that may be required in the approval process. Any information or materials placed on fundraising websites are subject to the same district policies covering publication of materials on the district website.

Approval of requests shall depend on factors including, but not limited to:

- Compatibility with the district's educational program, mission, vision, core values, beliefs, and student achievement goals;
- The district's instructional priorities;
- The manner in which donations are collected and distributed by the fundraising process;
- Equity in funding; and
- Other factors deemed relevant or appropriate by the district.

If approved, the employee shall be responsible for preparing all materials and information related to the fundraising campaign and keeping district administration apprised of the status of the campaign. The employee shall not violate any district policy or guideline and must protect the confidentiality of all student information.

The employee is responsible for compliance with all state and federal laws and other relevant district policies and procedures. All items and money generated are subject to the same controls and regulations as other district property and shall be deposited or inventoried accordingly. No money raised or items purchased shall be distributed to individual employees.

Approved _____ Reviewed _____ Revised _____

# EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance. Employees may be required to present evidence of good health, in the form of a physical examination report, prior to their employment with the school district. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability. All offers of employment may be made contingent on medical examination results.

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

The cost of the initial examination will be paid by the *school district.. Medical examinations will be conducted by a medical doctor selected by the district.*. The school district shall provide the standard examination form to be completed by the personal physician of the employee.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;

2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;

3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;

4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

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.

Approved _____ Reviewed _____ Revised _____

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

# 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. As per contact info. as provided by the employee.

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 _____ 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 develop training and written procedures 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 _____ Reviewed _____ Revised _____

# Self-Defense Devices

The District will supply self-defense devices to staff members who volunteer to store and use them. Any self-defense device on District grounds that is permitted under this policy must be issued by the District. Nothing in this policy shall permit staff members to bring weapons or personal self-defense devices onto school grounds.

The District will provide appropriate storage and training on the proper use of any self-defense device issued by the District. Staff must use self-defense devices only in cases of emergency. Self-defense devices will not be used to discipline students.

Any staff member who volunteers to store and use a self-defense device issued by the district may stop volunteering at any time.

Adopted on: _____
Revised on: _____
Reviewed on: _____

# ELGIN PUBLIC SCHOOLS
# RELEASE, WAIVER, INDEMNIFICATION, AND VOLUNTEER AGREEMENT TO STORE AND USE PEPPERSPRAY IN CASES OF SELF-DEFENSE

I, the undersigned teacher (referred to as "I", "me", "my", and/or "Teacher"), have read this release and understand all its terms. I execute it voluntarily and with full knowledge of its significance. **I understand that his document contains a release of liability and indemnification.**

**Volunteer Services**. I understand that the Elgin Public Schools Board of Education (Board) has planned for and may implement certain safeguards to protect the students and staff of Elgin Public Schools (District). I understand that the Board is seeking volunteers to safely store self-defense measures such as pepper spray in their classrooms for emergency use. By agreeing to store pepper spray or similar items in my classroom I understand that I will be responsible for the secure storage and appropriate use of such items.

**Nature of Relationship**. I want to volunteer to assist the District in carrying out the activities and perform the volunteer services. I understand that I may cease all volunteer services at any time and for any reason, including refusal to perform any services which I am not physically able to perform or which contain risks I am not willing to take.

**Declaration.** I do hereby further declare myself to be physically sound and suffering from no condition, impairment, or other illness that would prevent my participation in the volunteer services. I acknowledge that I have had the opportunity to obtain a Physician's opinion on my fitness to volunteer; have had a physical examination and have been given my Physician's permission to participate; or that I have decided to volunteer my services without the approval of a Physician and do hereby assume all responsibilities for my health and wellness.

**Acknowledgment of Risks.** I understand and agree that the volunteer services may be strenuous and/or hazardous activities at times, and I should contact a healthcare professional or doctor if I have concerns about my health. Alternatively, I should decline services for which I am unsure of my ability to perform. I am voluntarily participating in these activities with full knowledge of the dangers involved. I understand the risks associated with the volunteer services and activities, and that those risks include, but are not limited to, contact with hazardous chemicals, temporary blindness, permanent eye damage, adverse effects due to inhalation including cardiac and respiratory problems, neurological side-effects, asthma, chest pain, and loss of consciousness. I understand these injuries may be severe in nature and could result in permanent injury or death. I hereby agree to expressly and voluntarily assume and accept any and all risks of injury or death related to these activities. If I am at any time unaware of the risks of a particular activity or volunteer service, I agree that it is my responsibility to decline to participate in the activity, either momentarily or to cease volunteering completely. I agree that if I am in doubt of my fitness or my fitness changes to perform the volunteer services and activities that I will cease volunteering immediately.

**Release, Waiver and Indemnification.** I do hereby waive, release and forever discharge the District, its Board, officers, agents and employees from all actions, causes of action, damages, claims or demands that I, my heirs, executors, administrators, or assigns may have against the District and the parties named above for all personal injuries or loss of property which I incur by performing volunteer services, whether such injuries and/or losses are caused by my negligence or the negligence of the District or any of its employees, representatives, or other volunteers. I agree to indemnify the District, its board, officers, agents, and employees and to pay for any costs, attorney fees, or awards that may result from resisting any complaint or lawsuit which I may bring against the above-named parties for any injury or loss I claim to have suffered.

**Responsibility for Supervision.** I understand that once trained on the use of the self-defense items, I will be solely responsible for the safe storage and use of any self-defense items placed in my care.

**Compliance with Policy and Directives.** I agree to abide by all District policy and directives given to me pertaining to the volunteer services.

***THIS DOCUMENT CONTAINS A RELEASE, A WAIVER AND AN INDEMNIFICATION. READ IT CAREFULLY BEFORE SIGNING IT.***

Clearly PRINT the following information:

Name: _____ Birthdate: _____

Date: _____

Signature: _____

# 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.

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).

Approved _____ Reviewed _____ Revised _____

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

# 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 implement this policy.

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

Cross Reference: 905 Safety Program

Approved _____ 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, race, religion, national or ethnic origin, color, marital status, disability, sex, veteran status, age, pregnancy, childbirth or related medical condition, or other prohibited status. 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;
- 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, religion, national or ethnic origin, color, marital status,

disability, sex, veteran status, age, pregnancy, childbirth or related medical condition, or other prohibited status 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. It is the intention of the district to complete its investigation within ten (10) working days after receiving a complaint unless extenuating circumstances such as unavailability of a witness or needing additional time because of the complexity of the investigation or the need to involve outside experts. The extended timeframe for investigation due to extenuating circumstances shall not exceed ten (10) days without the consent of the complainant, unless the alleged victim agrees to a longer time limit. 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

File: 404.06E1

# HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harassed: _____

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 the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

File: 404.06E2

# 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 on 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. It the individual needs assistance communicating with the harasser, they should ask a teacher, counselor or principal to help.

**Complaint Procedure**

An employee or student who believes that they have been harassed shall notify Mr. Wemhoff Fisher, the designated investigator. The alternate investigator is Mrs.Rittscher 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.

**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.

Adopted: April 11, 2002

Revised: April 2009

# SUBSTANCE-FREE WORKPLACE

***This is a federally mandated policy and is in compliance with federal law. There is an option in the third paragraph that allows the board to require the employee to complete a treatment program. This option is not a federal requirement but may be added by the board. If this sentence is left in the policy, corresponding changes need to be made in any accompanying regulations and exhibits.***

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. *[An employee who violates this policy may be required to successfully participate in a substance abuse treatment program recommended and approved by the superintendent.]* 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 _____ 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

# DRUG AND ALCOHOL TESTING PROGRAM

***It is important for the school district to read this policy and its supporting documents and the notes very carefully. This policy and its supporting documents assume the school district employs its drivers and owns the school vehicles rather than contracts with a private service provider with its own drug and alcohol testing program. School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program complying with the federal regulations.***

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, *[superintendent/nurse]* at 101 North 4th street, Elgin,Ne.

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 _____ 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:
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 *ninety (90)* days. Light duty assignment is limited to all employees to a maximum of 180 days.

Cross Reference:
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 _____ 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
804.01 Computer Security
804.02 Data or Records Retention

Approved _____ Reviewed _____ Revised _____

# FACILITIES FOR MILK EXPRESSION

The district will designate a private area, other than a restroom, for an employee for breast-feeding or to express breast milk for her nursing child in a place which is shielded from view and free from intrusion from co-workers and the public.

Legal Reference: LB 627 (2015)

Approved _____ Reviewed _____ Revised _____

# EMPLOYEE CONDUCT AND APPEARANCE

***Title 92, Rule 27, Parts 004 and 005 relating to the Standards of Ethical and Professional Performance and Standards of Competent Professional Performance for Public School Certificate Holders are included as a regulation to this policy.***

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 _____ Reviewed _____ Revised _____

# 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.

In the initial employment process, including on the initial application, should there be one, the applicant must present evidence of current certificate to the superintendent prior to September 15 and before any payment of salary.

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

Cross Reference: 411.01 Substitute Teachers
412.01 Support Staff Defined

Approved _____ 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, disability, pregnancy, or childbirth or related medical condition. 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.

In the initial employment process, including on the initial application, should there be one, the applicant shall not be asked to disclose, orally or in writing, information concerning the applicants criminal record or history, until it has been determined that the applicant meets the minimum employment qualifications. This does not prohibit the requirement to disclose an applicant's criminal record or history relating to sexual or physical abuse. Following a determination that the applicant meets minimum employment qualifications, a criminal history information check and questions regarding the applicant's criminal record or history are allowed.

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
411.01 Substitute Teachers
412.02 Support Staff Qualifications, Recruitment, Selection

Approved _____ 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 roughly corresponding to 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: 408 Certificated Employee Termination of Employment

Approved _____ 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 follow applicable state statutes. 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. Unless statutory exceptions apply, final board action must be taken by May 15.

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: 408 Certificated Employee Termination of Employment

Approved _____ 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 _____ 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. All extra duties, such as coaching or sponsoring extracurricular activities, are assigned at-will, and may be terminated, non-renewed, suspended or amended by the board at the recommendation of the superintendent without cause. Extra duty work that qualifies for additional compensation will be paid on a prorated basis for work already performed at the time of the change in duty assignment.

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 _____ 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. All extra duties, such as coaching or sponsoring extracurricular activities, are assigned at-will, and may be terminated, non-renewed, suspended or amended by the board at the recommendation of the superintendent without cause. Extra duty work that qualifies for additional compensation will be paid on a prorated basis for work already performed at the time of the change in duty assignment.

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 _____ 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

Approved _____ 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 *building principal* 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.

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

Cross Reference: 408.05 Certificated Employee Reduction-In-Force

Approved _____ Reviewed _____ Revised _____

# 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 superintendent may terminate or amend the certificated employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Legal Reference: Neb. Statute 79-828

Approved _____ 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 _____ 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 _____ Reviewed _____ Revised _____

# CERTIFICATED EMPLOYEE CONTINUED EDUCATION CREDIT

***If the Negotiated Contract is silent, school districts need to insert a deadline in this policy. It is recommended the deadline be before budget certification so school districts can budget for the increase. It is also recommended that this date be well in advance of Reduction In Force deadlines due to issues of determining instructional areas of certification and endorsement for individual staff members. If the Negotiated Contract contains a date, that date can be inserted in this policy.***

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 July 1st 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 if he/she believes it to directly improve the employee in their specific job performance.

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
408.05 Certificated Employee Reduction-In-Force

Approved _____ 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 or his/her designee 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

Approved _____ Reviewed _____ Revised _____

# 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 _____ 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 _____ Reviewed _____ Revised _____

# CERTIFICATED EMPLOYEE NEGOTIATIONS

Certificated employees of the district shall have the right to form, join and participate in the activities of organizations of their choosing for the purpose of representation of all matters of employment relations, but no certificated employee shall be compelled to join such an organization.

The following timelines shall be in effect for the annual negotiations process preceding the contract year in question:

1. On or before September 1 the certificated and instructional employees' collective bargaining agent shall request recognition as bargaining agent.
2. The governing board shall respond to such request not later than October 1.
3. On or before November 1 negotiations shall begin.
4. On or before February 8 if an agreement is not reached, the parties shall submit to mandatory mediation or factfinding as ordered by the commission unless the parties mutually agree in writing to forgo mandatory mediation or factfinding.
5. On or before March 25 or within twenty-five days after the certification of the amounts to be distributed to each local system and each school district, whichever occurs last in time, negotiations, mediation, and factfinding shall end.
6. If an agreement has not been achieved on or before the date in item 5 above, either party may, within fourteen days after such date, file a petition with the commission to resolve the dispute.
7. The commission shall render a decision on or before September 15.

There shall be no fewer than four negotiations meetings between the certificated and instructional employees' collective bargaining agent and the governing board's bargaining agent prior to mediation, unless the parties agree to a new negotiated agreement. Either party may seek a bargaining order as provided in statute at any stage in the negotiations.

Either party may seek a bargaining order at any stage in the negotiations. The commission shall provide the parties with the names of five individuals qualified to serve as the resolution officer. If the parties cannot agree on an individual, each party shall alternately strike names, with the remaining individual serving as the resolution officer.

The resolution officer may:
1. determine whether the issues are ready for hearing and settlement;
2. identify for resolution terms and conditions of employment that are in dispute and which were negotiated in good faith but upon which no agreement was reached;
3. accept terms and conditions;
4. schedule hearings;
5. prescribe rules of conduct for conferences;

Approved _____ Reviewed _____ Revised _____

6. order additional mediation if necessary;
7. take any other action which may aid in resolution of the dispute; and
8. consult with an interested outside party only with the concurrence of all parties.

The resolution officer shall choose the most reasonable final offer on each issue in dispute. If either party is dissatisfied with the resolution officer's decision, it shall have the right to file an action with the commission seeking a determination of terms and conditions of employment. The commission shall resolve, as provided by statute, all of the issues identified by either party and which were recognized by the resolution officer as a dispute. If parties have not filed with the commission by the latter of March 25 or within twenty-five days after the certification of school funds, the decision of the resolution officer shall be deemed final and binding.

Legal Reference: Neb. Statute 48-811, 816, and 818

Cross Reference: 201.01 Board Powers and Responsibilities

# 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_____ 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 April 15 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

Approved _____ Reviewed _____ Revised _____

# CERTIFICATED EMPLOYEE RETIREMENT

***Mandatory retirement ages are a violation of federal law. Nebraska courts allow employees to retract their intention to retire at any time prior to formal acceptance by the board.***

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.

Certificated employees and their spouse and dependents shall be allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of the insurer.

Cross Reference: 402.09 Recognition for Service of Employees

Approved _____ Reviewed _____ Revised _____

# CERTIFICATED EMPLOYEE SUSPENSION OR TERMINATION

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 or termination, the applicable state statutes shall be followed.

Cross Reference: 405 Employee Conduct and Appearance

Approved _____ Reviewed _____ Revised _____

# CERTIFICATED EMPLOYEE REDUCTION-IN-FORCE

***An inclusive list of selection characteristics for personnel affected by reduction-in-force is provided below. The board may include some or all of these at its discretion, and may prioritize them in the order it wishes. The policy should specify whether characteristics are listed in order of importance or whether they will be given equal weight. The board's evaluation policy must be cross-referenced as supplemental material due to state statute 79-846 that requires "if employee evaluation is to be included as a criterion to be used for reduction in force, specific criteria such as frequency of evaluation, evaluation forms, and number and length of classroom observations shall be included as part of the reduction-in-force policy."***

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 IN ORDER OF IMPORTANCE.

1. Programs to be offered;
2. Areas of certification and endorsement;
3. State and federal regulations which may mandate certain employment practices;
4. Special qualifications that may require specific training and/or experience;
5. Contributions to activity programs;
6. Qualifications based on past performance and competence as determined by the principal and/or superintendent through employee evaluation procedures;

Approved _____ Reviewed _____ Revised _____

7. The organizational and educational impact created by multiple part-time certificated employees; and
8. 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.

The applicable state statutes 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.

Legal Reference: Neb. Statute 79-846 to 849
79-824 to 844

Cross Reference: 402 Employees and Internal Relations
406.08 Certificated Employee Evaluation

FILE: 408.06
6 pages

# EARLY RETIREMENT INCENTIVE PROGRAM POLICY

## A. PURPOSE

The Early Retirement Incentive Program (Program) is intended to benefit qualified certificated employees who are considering retirement. The Program's objectives include, but are not limited to, the following:

1. Offering financial incentives which will assist long-term employees who are considering retirement;
2. Reducing costs to the school district by replacing maximum salaried employees with lesser salaried employees; and
3. Providing a balance of employee experience.

## B. QUALIFICATIONS

**1. Certificated Employee**. To participate in the Program, a person must be a teacher or administrator certificated by the Nebraska Department of Education, and employed by the School District in a capacity which requires such certification.

**2. Full-Time Equivalency**. Certificated employees who are employed .5 full-time equivalency (FTE) or higher in an employment position that requires a certificate from the Nebraska Department of Education may participate in the Program, provided that the part-time employee's benefits under such a plan shall be pro-rated based on their FTE as of December 1st of the employee's final contract year.

**3. Minimum Age and Years of Service**. To be eligible for this Program, a certificated employee must: (a) be 55 years of age on or before August 31st after the school year of application (i.e. August 31, 2015 of the 2014-15 school year) (b) have completed 10 total years of continuous, credited service in the employment of the school district, and (c) meet any other criteria established by the board of education at the regular March meeting during the 2014-15 school year and at the regular December meeting in all following school years (such as department or building eligibility). Credited service shall be defined as continuous employment with the school district as a .5 FTE or greater certificated employee through

the employee's last year of service in an employment position that requires a certificate from the Nebraska Department of Education. Board-approved leave for military service, for a sabbatical or for a leave of absence, or any leave required to be granted according to law, shall not be included as credited years of service, but the employee's leave of absence shall not be considered a break in continuous service for purposes of this policy. In determining years of credited service with the district for the purpose of meeting the eligibility requirement of 10 total years of service, less than full-time employment would reduce the employee's full-time equivalent employment for a school year. For example, an employee employed on a half-time (.5 FTE) basis would be credited with half a year (.5) of full-time equivalent employment.

## C. ENROLLMENT REQUIREMENTS

**1. Resignation.** Participants in the Program will resign their positions with the school district effective at the close of the school year in consideration for the benefits outlined in Section D below.

**2. Application.** An employee must submit a signed Application and Agreement form to the board of education on or before April 6, 2015 during the 2014-15 school year and on or before February 1st during all following school years of the employee's last intended school year of employment. The superintendent shall review the employee's record to determine whether the employee is eligible for the Program. The Board will notify the applicant on or before April 15, 2015 during the 2014-15 school year and on or before February 15th in following school years of its action on his or her application.

**3. Employee's Ineligibility.** An employee who has received written notice of possible contract termination or cancellation shall not be eligible to participate in this Program unless (1) the notice of termination or cancellation is withdrawn by the administration or (2), after a hearing before the board of education, the board determines that said employee's employment should not be canceled or terminated.

## D. BENEFITS

**1. Calculation of Benefits:** The benefit to be paid under this Program shall be an amount based on the teacher's teaching contract salary for his or her last year of service, multiplied by the number of years of credited service in the district, multiplied by 1.5%. For example, for an

employee with a teaching contract salary of $30,000 and twenty-five (25) years of credited service, the benefit will be $30,000, multiplied by 25 (years), multiplied by .015, for a total benefit of $11,250. Contract salary refers to the basic salary paid from the salary schedule or as otherwise shown on the contract, which excludes salary paid for extra responsibility, extended contract, fringe benefits, and any professional career increment.

**2. Payment of Benefit.** The benefit shall be paid into a Health Retirement Account (HRA) designated by the employer in two (2) equal payments on or before September 20th of the calendar year of the employee's resignation, and on or before January 20th of the following calendar year. The employee and board of education may, by mutual agreement, schedule the payment of the benefit in more than two (2) payments, or may vary the amounts of the payments, so long as the first payment does not exceed fifty percent (50%) of the total benefit.

**3. Limitation on Payment.** The board of education shall, in its sole and unfettered discretion, determine whether to budget and fund any Early Retirement Incentive Program payments in a particular year, and shall determine the total amount of such payments, if any, that will be made available for such payments.

**4. Source of Funds.** The school district shall pay the entire cost of the plan.

**5. Administration.** This Program shall be administered by the board of education by and through the administration of the school district.

**6. Beneficiary Designation**. In order for the application to be considered complete, a beneficiary must be designated.

**7. Income Tax Consequences**. The IRS has determined that contributions to the cost of health insurance premiums of a retired employee are not subject to social security, Medicare, federal unemployment (FUTA), and federal income tax withholding. Therefore, FICA, Social Security taxes, and other employment taxes will not be withheld from payments made pursuant to this Program unless the Board, in its sole discretion, determines such taxes are required by law to be withheld. Otherwise, and except as otherwise provided in the Program, no state or federal retirement contributions, FICA, FUTA, or state or federal unemployment contributions will be withheld from or contributed in relation to the payments. You are

encouraged to consult with an accountant or tax attorney if you have any questions or concerns about tax consequences.

**8. COBRA Rights.** A separating employee will have the opportunity to continue health insurance benefits as may be permitted by the provisions of the Comprehensive Omnibus Budget Reconciliation Act or other applicable law. The employee shall be responsible for any payments required to participate in the COBRA program.

## E. ADMINISTRATION

**Application and Waiver.** An employee who elects to participate in the Program, and the school district (through its board of education), shall execute the Application and Agreement, Exhibit "A" attached hereto. That Application and Agreement shall inform the employee that the Voluntary Separation Program is totally voluntary in nature and provides each employee at least 45 days to consider the ramifications of participation in the Program before making a decision. An employee may waive the 45 day consideration period. The Application and Agreement shall also include a specific Waiver and Release of Claims of the participants' rights under the Age Discrimination and Employment Act (ADEA), 29 USC § 621-63 and the Act Prohibiting Unjust Discrimination in Employment Because of Age, NEB. REV. STAT. § 48-1001 ***et seq***., the Employee Separation Income Security Act of 1974 (ERISA), 29 USC § 1001 ***et seq***., and all other state and federal constitutions, statutes and regulations that relate to the validity of the Program, and allows the employee to revoke the Release or Waiver at any time within seven (7) days after both the employee and the Board have signed the contract, and advises the employee to consult with an attorney before signing the Application and Agreement.

An employee who submits an application to participate in the Program may withdraw the application within 7 days after it is approved by both parties, but not afterward without the written consent of the board of education. Each application will be reviewed on an individual basis. The board shall, in its sole discretion, determine the number of applications to be approved in any given year. If the Board receives more applications for voluntary separation than it approves, the Board shall approve the applications as follows:

1. The Board will approve the application of the employee with the most years of service to the district.

2. If the years of service to the district are exactly the same, the Board will approve the application of the employee with the most years of service in education (years of service to the district plus years of service to any other school district).
3. If the years of service of those involved are exactly the same, the Board will approve the application of the employee which was first received by the district.

An employee's application to participate in the Program is in itself not a resignation of a contract with the School District. However, the Board's approval of an employee's application will be considered the approval of the employee's voluntary resignation and termination of the employee's continuing contract. If the Board does not approve an employee's application, the employee's contract will continue in effect, and the employee will remain an employee by the School District unless he or she otherwise resigns or his or her contract is terminated for just cause.

## F. TERM OF PROGRAM

This policy shall be reviewed annually and its availability terminated at any time at the Board's sole discretion. The Board will generally determine no later than February during the 2014-15 school year and no later than its December meeting in the following school years the number of early retirement applications that will be accepted in the then current school year and any other eligibility limitations or requirements (such as building or department requirements). This Program shall be offered only to eligible employees as defined herein, who satisfy the Program requirements prior to the applicable deadline, and who submit an ERIP Application and Agreement prior to the applicable deadline.

## G. LIMITATIONS OF APPLICATIONS

The Board reserves the right to limit the number of voluntary separation applications granted during any single school year if the number of requests results in separation payments that exceed budget constraints and/or if multiple requests from employees within a single department could, in the opinion of the school administration, result in the excessive loss of continuity of instruction and effectiveness of that department. If multiple employees from the same department submit requests in the same school year, the priority of applicants granted will be determined in accordance with paragraph E.

Cross Reference; 408.03 certified employee retirement

Approved _____
Reviewed _____
Revised _____

# CERTIFICATED EMPLOYEE PROFESSIONAL DEVELOPMENT

***NDE standards require school districts to conduct staff development sessions. Each teacher must participate in at least ten hours of staff development activities each year.***

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 _____ 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 *superintendent.* 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 _____ 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 _____ 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 _____ 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. If the employee is excused from jury duty during the first half of the day, the employee is expected to return to work for the afternoon.

Legal Reference: Neb. Statute 25-1640

Approved _____ 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 _____ 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

# 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 __12 business___ 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.

Approved _____ Reviewed _____ Revised _____

# SUBSTITUTE TEACHERS

The board recognizes the need for substitute teachers. Substitute teachers shall be certificated to teach in Nebraska.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract certificated employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Substitute teachers will be paid a per diem rate. Substitutes employed for more than 15 consecutive days in the same position shall be paid according to the prevailing salary schedule at 1/185 of base pay starting on day 16. Substitute certificated employees are expected to perform the same duties as the certificated employees.

Cross Reference: 406.01 Certificated Employee Defined
406.02 Certificated Employee Qualifications, Recruitment and Selection

Approved _____ 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 at a rate of substitute pay, 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 _____ Reviewed _____ Revised _____

# ATTENDANCE OFFICER

***Schools are required to have a designated attendance officer to monitor student absences. The school may designate one of the administrators to fill this position.***

The board 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 absent. The attendance officer shall investigate the cause of a student's absence 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 _____ Reviewed _____ Revised _____

# EDUCATION AIDE

The board may employ education aides 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.

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

Cross Reference: 412.02 Support Staff Qualifications, Recruitment, Selection

Approved _____ Reviewed _____ Revised _____

# STUDENT TEACHERS

Qualified students from accredited teacher training institutions may, at the discretion of the Superintendent, be assigned in the district for professional laboratory experiences. The selection of students and the requirements for qualifications shall be the responsibility of the college in which the student is enrolled.

The assignment of college students accepted for such professional laboratory experiences will be made by the Superintendent, with assistance from the Principal of a designated building and through the Principal to a designated supervising teacher. The college, along with the administrative and instructional personnel of the district, share responsibility to supervise this professional laboratory experience.

The authority to accept, assign, and discontinue any college student participating in such professional laboratory experiences in the district shall rest with the Superintendent.

The college student, while assigned to the district for such experiences, maintains a responsibility to the school district and the children enrolled which parallels that of a professionally certificated member of the staff including the following of all policies and regulations of the district. In emergencies, such student teachers may be utilized to substitute for professionally certificated staff members.

The Board directs the Superintendent to implement this policy in a manner which will ensure that the student teaching in the district will be a very meaningful, beneficial activity for both the school and the student teacher.

Approved _____ 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
413.03 Support Staff Group Insurance Benefits

Approved _____ 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, disability, pregnancy, or childbirth or related medical condition. 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.

In the initial employment process, including on the initial application, should there be one, the applicant shall not be asked to disclose, orally or in writing, information concerning the applicants criminal record or history, until it has been determined that the applicant meets the minimum employment qualifications. This does not prohibit the requirement to disclose an applicant's criminal record or history relating to sexual or physical abuse. Following a determination that the applicant meets minimum employment qualifications, a criminal history information check and questions regarding the applicant's criminal record or history are allowed.

Multiple reference checks may be made by telephone and a standard list of questions

Approved _____ Reviewed _____ Revised _____

should be used in the screening process. These reference checks will be documented and filed with the employee's records.

Prior to hiring any person, the district may conduct background checks regarding the applicant's fitness for employment.

The superintendent shall notify the board of new support staff hires.

Legal Reference: Nebraska Statute 79-501
79-802

Cross Reference: 402.01 Equal Opportunity Employment
402.02 Employee Orientation
404 Employee Health and Well-Being

# SUPPORT STAFF WRITTEN WORK AGREEMENTS

The board may enter into written work agreements with support staff employed on a regular basis. The work agreement will state the terms of employment.

The board shall determine whether it wishes to include a cancellation clause in the work agreements, and the notification period required by the cancellation clause.

Support staff shall receive a job description stating the specific performance responsibilities of their position.

It shall be the responsibility of the superintendent to draw up and process the support staff work agreements.

Cross Reference: 413.01 Support Staff Compensation
413.02 Support Staff Wage and Overtime Compensation
414 Support Staff Termination of Employment

Approved _____ Reviewed _____ Revised _____

# 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.

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF ASSIGNMENT

Determining the assignment of each support staff is the responsibility and sole discretion of the superintendent. 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

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF TRANSFERS

Determining the location where a support staff member's assignment will be performed is the responsibility of the superintendent. 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).

Approved _____ 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.

Approved _____ 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: 412.03 Support Staff Contracts
413.02 Support Staff Wage and Overtime Compensation

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF WAGE AND OVERTIME COMPENSATION

***Federal law requires compensation at time and one-half the regular rate for work over 40 hours per week, whether in monetary form or compensatory time.***

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: 412.03 Support Staff Contracts
413.01 Support Staff Compensation

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF GROUP INSURANCE BENEFITS

Support staff may be eligible for group insurance benefits as determined by the board and required by law.

This policy statement does not guarantee a certain level of benefits. The board shall have the authority and right to change or eliminate group insurance programs for its support staff.

Cross Reference: 412.01 Support Staff Defined

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF WORKERS' COMPENSATION

***This is a mandatory policy.***

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 _____ 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 _____ Reviewed _____ Revised _____

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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 _____ Reviewed _____ Revised _____

# SUPPORT STAFF RESIGNATION

***Districts typically require 14 days' prior notice.***

Support staff who wish to resign during the school year shall give the superintendent notice of their intent to resign.

Notice of the intent to resign and intended final date of employment shall be in writing to the superintendent.

Cross Reference: 412.03 Support Staff Contracts

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF RETIREMENT

***Mandatory retirement ages are a violation of federal law.***

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.

Support staff members and their spouse and dependents who have group insurance coverage through the school district may be allowed to continue coverage of the school district's group health insurance program, at their own expense, by meeting the requirements of the insurer.

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

Cross Reference: 402.09 Recognition for Service of Employees

Approved _____ 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.

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

Approved _____ 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 by the superintendent at any time.

It shall be the responsibility of the superintendent to handle the dismissal of support staff. A support staff member is an "at will" employee and may be dismissed for any reason.

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

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF FAMILY AND MEDICAL LEAVE

***This policy is consistent with federal law regarding 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 support 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 "rolling period based on the date the leave is requested to begin and looking backward at the last twelve-months of use"; a twelve-month period beginning August 1 and ending July 31; other).* 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 an FMLA leave beyond what is required by the Act. It shall be the responsibility of the superintendent to implement this policy.

Approved _____ Reviewed _____ Revised _____

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

# SUPPORT STAFF JURY DUTY LEAVE

***This policy reflects the practice that the employee sign over checks received for jury duty to the school district. School districts which let employees keep their checks but then deduct the amount from the employee's salary, should reflect that practice in the third paragraph.***

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. If the employee is excused from jury duty during the first half of the day, the employee is expected to return to work for the afternoon.

Legal Reference: Neb. Statute 25-1640

Approved _____ Reviewed _____ Revised _____

# SUPPORT STAFF MILITARY SERVICE LEAVE

Support staff 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 support staff 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 _____ 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 UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies. Unpaid leave for support staff 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, the financial condition of the school district, length of service, previous record of absence, the reason for the requested absence and other factors the superintendent believes are relevant in 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.

Approved _____ Reviewed _____ Revised _____