

Administrative Employment Guidelines

Lincoln Public Schools

Revised August, 2009

District administrators serve students, staff and parents. The mission of the Lincoln Public Schools administrative staff is to have students grow and develop to their full potential. In order to be effective, the values, beliefs and attitudes of the community must also be congruent with those of the schools. Strong administration with vision and the ability to carry out the goals of the district can have an enormous impact in the school and the district.

Effective communication with each other is critical to understanding the issues and concerns which arise throughout the district. We believe it is important to have an avenue to share these concerns with each other and the executive committee. Regular ongoing communication can enhance the effectiveness of the schools, and therefore impact the quality of our children's education. It is our goal to work together as a team to ensure appropriate compensation and benefits for these efforts. This handbook is not to be construed as a contract of employment.

The purpose of this handbook is to:

1. Explain the agreement between the board of education and the administrators of the district in more detail.
2. Ensure equal and equitable treatment of all administrators in the district.
3. Provide administrators with a resource that gathers together pertinent information and guidelines related to their work.

If requested by the administrators, a joint committee comprised of administrators and executive committee members will be established for the purpose of meeting periodically to resolve issues affecting administrators. Committee representation, meeting schedule, committee name and issue selection will be determined at the first meeting.

Much of the information contained within this handbook is taken from the Board of Education Policy Manual. You can access all the Board of Education policies on the LPS web site, <http://www.lps.org>.

Throughout this document there are references to district policies and policy regulations. Sometimes the section is composed of the entire policy or regulation and other sections contain only a portion of the policy or regulation. Many times a section contains actual policy language intermixed with day-to-day procedures.

In reading this handbook, please understand that where conflict exists, state or federal law and Board Policy supersede this handbook.

The Human Resources Office, working with the administrative salary committee, will update the Administrative Employment Guidelines prior to the beginning of each new contract period, or as soon as is feasible following the establishment of new administrative salary ranges by the Board of Education. Administrators are urged to make suggestions for future improvement and revision.

— Introduction submitted by the administrative handbook committee

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ADMINISTRATIVE EMPLOYMENT GUIDELINES

I. GENERAL INFORMATION

A. Employee Classifications (Policy Regulation 4100.1)

The Human Resources Division determines the job title and the classification of each employee taking into consideration relevant state laws and Nebraska Department of Education regulations. The descriptions below do not include every position within the district but indicate the general separation of employees into the three categories:

1. Certificated employees include teachers and other educators, as well as school psychologists, school social workers and registered nurses. Also included are administrators who perform duties requiring a certificate issued by the Commissioner of Education.
2. Classified employee groups include technicians, office professionals, custodians, maintenance employees, food service workers, paraeducators and transportation employees. Also included are administrators who do not hold certificates issued by the Commissioner of Education.
3. Hourly employees include, but are not limited to, summer crew employees, mentors, substitutes for classified staff, and substitute teachers.

The purpose of this handbook is to describe the general policies and procedures governing employees within the administrative group, some of which are certificated employees and some of which are classified employees.

B. Equal Employment Opportunity (EEO) and Recruitment (Policy 4210)

The Lincoln Public Schools, through a comprehensive recruitment program, will employ an effective, well-qualified and diverse staff. To that end, the Lincoln Public Schools shall actively recruit well-qualified and diverse certificated, classified and hourly applicants.

There shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, religion, marital status, sex, age, disability or sexual orientation.

C. Job Descriptions (Policy Regulation 4100.2)

Job descriptions for the various employment positions are developed and maintained by the Human Resources Division. Each job description indicates whether a position is exempt or nonexempt in accordance with the Fair Labor Standards Act (FLSA). Employees must maintain all licensure or certification required by the position as a condition of continued employment. The employee must immediately report the loss or suspension of licensure or certification to the appropriate supervisor in Human Resources.

D. Salary Ranges

The 2008-2009 and 2009-2010 salary ranges for administrative staff are attached (see Appendix A). Appendix A also contains a listing of the administrative position(s) assigned

to each salary range and the number of administrators assigned to each position. The Superintendent of Schools may increase the maximum salary of any or all of the salary ranges.

E. Placement and Review Procedure

Placement Responsibility — The placement of groups and individuals on the administrative salary ranges shall be determined by the Superintendent of Schools and shall be administered by the Associate Superintendent for Human Resources.

Review of Placement Decision — Individual or group requests for review of placement will be submitted directly to the Superintendent of Schools who will make a decision regarding disposition of the request based upon district criteria or the best interests of the school district for placement on the administrative salary range.

Disposition of Review Appeal — Disposition of the review can be appealed as defined in the Administrative Employment Guidelines, Section III, Grievance Procedure.

F. Employee Contracts and Personnel Actions (Policy 4710)

Certificated employees will be hired pursuant to a written contract approved by the Board of Education. After board action, all contracts for employees are issued by the Human Resources Division.

Classified and hourly employees will be hired pursuant to a personnel action to be approved by the Board of Education. At the direction of the Board of Education, designated classified employees will be issued a contract by the Human Resources Division.

G. Length of Contract

Administrative contract lengths vary from 210 to 260 days, depending on the position. Appendix A lists contract lengths and corresponding salary levels subject to adjustment in the best interests of the school district as determined by the Superintendent of Schools. The Superintendent of Schools may increase or decrease the number of working days at any time deemed appropriate and in such event, a proportionate increase or decrease in salary shall be made. In the event a transfer or reassignment to other duties occurs, the salary and number of contract days will be determined by the Superintendent of Schools.

H. Extra Assignment Responsibilities

Administrators occasionally are requested to assume expanded responsibilities without a change in their job or role assignment. In these instances, consideration will be given to the need to reduce or reassign current responsibilities.

In the event it is not feasible to reduce or reassign current responsibilities, when appropriate, the district will provide support for district administrators who are assigned extra duties in addition to their regular duties. This support could be extra clerical support, teacher release time to provide leadership opportunities for teachers to help perform the administrator's regular duties, and support to attend seminars or conferences directly related to the extra duties. The need for support will be determined by the Superintendent of Schools or designee and appropriate support assigned with input from the administrator.

I. Fitness for Duty (Policy 4910)

Employees must be physically and mentally capable of performing the essential functions of their assignment with or without reasonable accommodations. The district may, at its discretion, require employees to demonstrate that they are physically and mentally capable of performing the essential functions of their assignment with or without reasonable accommodations. The school district complies with all federal and state laws regarding the collection of health and medical information.

Employees shall be required upon request of the Associate Superintendent for Human Resources or designee to respond or submit to medical inquiries or examinations which are related and necessary, where there is evidence of a job performance or safety problem, and when required or otherwise permitted by law.

Employees are required to disclose any medical restrictions that limit their ability to perform the essential functions of the assigned job to their supervisor or Human Resources and to request a meeting with the Americans with Disabilities Act (ADA) Coordinator to discuss the provision of reasonable accommodations. Supervisors are required to notify Human Resources of any employees with medical restrictions that limit their ability to perform the essential functions of their assignment

J. Liability Insurance

The district, through its comprehensive insurance plan, provides liability insurance for all employees including administrators.

K. Transfers

As a matter of professional growth and general staff renewal, administrators are encouraged to volunteer for transfer after an extended assignment to a specific position. Transfers to new administrative assignments will be made within an area of the administrator's certification, taking into consideration the needs and interests of the administrator and the school district. Changes in assignment may also be necessitated by district needs and mandatory transfers may be made as necessary and will take precedence over personal requests.

L. Assignment Change

If the Superintendent decides to change an administrator's assignment for the next school year, an attempt will be made to determine the change before the 15th of April. Changes in assignment may occur after April 15, due to budget restrictions, decline or shift in enrollment, elimination of positions or other circumstances.

Summer vacancy notices for administrative positions occurring during the summer will be posted on the job vacancy line, 436-1595, and e-mailed to all school sites. No administrator shall have a right to a specific administrative assignment. An administrator's assignment may be changed to a teaching assignment within an area of the administrator's teaching endorsement. The salary and benefits may be altered accordingly by placement on the teacher's salary schedule. In the event a transfer or reassignment to other duties occurs, the salary and number of contract days will be determined by the Superintendent of Schools.

M. Reduction in Force (Policy Regulation 4420.2)

Administrators who hold positions which are eliminated or who are reassigned to another administrative position within the district may have his/her salary adjusted according to the employment position.

Reductions in force of certificated administrators, including total and partial, may occur when necessitated by a change in circumstances. The criteria used to determine employees affected shall be: positions or programs to be offered, training, experience, certification and other factors deemed relevant by the Superintendent of Schools.

A certificated administrator whose contract is terminated because of reduction in force shall be considered to have been terminated with honor and shall upon request be provided a letter to that effect. Such administrator shall have preferred rights to reemployment in accordance with law.

N. Clarification of Status as a Teacher

If the administrator requests a reassignment or is reassigned to a teaching or nonadministrative position, an assignment within an area of endorsement will be made. The administrator's rate of pay will be determined by the Superintendent of Schools.

O. Contract Termination, Nonrenewal or Cancellation (Policy Regulation 4400.2)

Contract terminations, cancellations and non-renewals of certificated employees as defined by state law will be in accordance with procedures set forth in statute.

The Associate Superintendent for Human Resources or designee recommends contract terminations, cancellations, or non-renewals to the Superintendent and the Board of Education for approval.

Contract amendments or cancellations of noncertificated employees will be in accordance with the terms of the employment contract.

P. Appraisal (Policy Regulation 4960.3)

Administrators will be formally appraised on a three-year cycle. The appraisal cycle can be modified to include additional formal appraisals within the three-year cycle. This modification may be at the request of the appraiser or the appraisee.

The process used to evaluate administrators may vary due to administrator assignment.

Q. Personal Freedom (Policy 4850)

Lincoln Public Schools recognizes that all employees have the right to hold personal beliefs. Employees may express opinions concerning school district issues as well as other local, state and federal issues and will not be unlawfully discriminated against based on the protected exercise or expression of such beliefs or opinions.

While recognizing individual personal freedoms, these rights must be balanced with the mission of the school district. As such, personal freedoms may not be exercised in a manner which negatively affects working relationships or which negatively affects the ability of

employees who work with students to serve as effective role models for our students. Instruction on political, religious, and other sensitive issues is to be provided in a manner which allows students the opportunity to form or adhere to their own views; students must not be required to accept the views of school employees. In addition, the political accountability laws restrict use of school resources in the promotion of political views. As such, while a school employee may express a position with regard to political issues, employees may not use school personnel, resources, property or funds for such purposes or engage in such activity during hours in which the employee is being paid to work or when otherwise engaged in performance of school duties.

R. Personnel Records (Policy 4330 and Policy Regulation 4330.1)

Official personnel records shall be maintained by the Human Resources Division according to state and federal laws.

Personnel files shall be available for inspection by the employee in the presence of an administrator, except pre-employment and job promotion materials including confidential references. Any employee shall, upon his or her request, have access to his or her personnel file maintained by the district and shall have the right to attach a written response to any item in such file. An employee may, in writing, authorize any other person to have access to such file. Such authorization shall be honored by the district.

No other person, except school officials engaged in their professional duties, shall be granted access to such file nor should the contents thereof be divulged in any manner to any unauthorized person.

The social security number is optional. It will be used by school officials to conduct background checks for employment purposes, for personnel and payroll processing and for mandatory or voluntary employee benefit programs, if employed.

The term “school officials” as used herein may include individuals within the District, or individuals or companies outside the District who are providing programs, services or benefits to employees and in such capacity are deemed as acting for the District. Continuing employment shall constitute consent to this definition and the release of such information unless the employee has directed otherwise in writing.

Attorney communications files may also be maintained by the Human Resources Division. These files and the records in them are made and kept for the purpose of facilitating the rendition of professional legal services to the District. Attorney communications files include attorney-client privileged information, or work product of the District and an attorney in furtherance of the rendition of professional legal services, and are not part of employee personnel files.

1. The official personnel records of all employees shall be maintained by the district Human Resources Division.
2. An employee’s personnel file may contain an application and supporting documentation, personnel action forms, evaluative materials, contracts, and other documents as determined by the Associate Superintendent for Human Resources or designee.

3. Determination of what becomes or remains part of the personnel file is the responsibility of the Associate Superintendent of Human Resources or designee.
4. An employee or authorized representative can only review his/her personnel file by scheduling an appointment with an administrator or supervisor in the Human Resources Division.
5. After reviewing the personnel file, the employee will date and sign the folder to indicate the date of the review.
6. A teacher, administrator, or other employee shall have the opportunity upon request to review the employee's personnel file and to attach a response to any item in the personnel file.
7. Anonymous letters, materials and/or records of anonymous phone calls shall not be placed in an employee's personnel file.
8. The district will maintain other employee records as necessary to conduct business and comply with all state and federal rules, regulations and laws. These records are only available for review by designated administrators and supervisors. Examples of these records may include medical records, background checks, Employment Eligibility Verifications (I-9) form, and payroll records.

S. Staff Relationships with Students (Policy 4780)

Employees are prohibited from establishing an inappropriate personal relationship with students. An inappropriate personal relationship between an employee and a student is defined as including, but not necessarily limited to: dating; any touching of an intimate or sexual nature, sexual contact or sexual relations, any touching otherwise prohibited by law or objected to by the student; giving a gift having a sexual overtone; making comments of a sexual nature or reflecting sexual innuendo to or about a student; or any similar activity.

Any employee who has knowledge or reasonably suspects that another employee may have engaged in prohibited conduct as defined by this policy must immediately report this information to either the employee's supervisor, the student's principal, or the Associate Superintendent for Human Resources.

Failure to comply with this policy shall subject the employee to disciplinary action, up to and including termination.

T. Notification of Arrest, Criminal Charges, Licensure or Child Abuse Complaints, Etc. (Policy 4790)

Employees shall notify the Associate Superintendent for Human Resources or designee by the next working day after the employee is (a) arrested; (b) ticketed; or (c) issued any form of criminal charge for committing an offense, crime or infraction.

The above notification and reporting requirement herein apply if:

1. The maximum penalty for the crime equals or exceeds seven days incarceration;
2. The crime relates to abuse, neglect or endangerment of a minor, or a minor was allegedly a victim or a witness;

3. The crime relates to misuse of drugs, alcohol or controlled substances or;
4. Job responsibilities are impacted including offenses that:
 - a. Would constitute a violation of NDE Standards of Conduct and Ethics, Chapter 27 as adopted by Lincoln Public Schools;
 - b. Would impact the employee's ability to operate a motor vehicle if the employee at times needs to travel during duty time or the employee at times drives students; or
 - c. Would impact the employee's Commercial Drivers License if the employee's job requires that the employee have a CDL.
5. The crime relates to alleged violence, force, coercion or sexual misconduct;
6. The arrest or criminal activity occurs while employee is on duty, or at a school attendance facility, on school property, at a school-supervised activity or school-sponsored function or in a school-owned or utilized vehicle.

Employees must also promptly report to Human Resources whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense is not otherwise reportable.

Employees must give full disclosure of the existence and nature of the above proceedings and shall also immediately notify Human Resources of the disposition of any such case or matter.

Employees shall also notify Human Resources by the next working day after the employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee's position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NDE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Nebraska Department of Health and Human Services related to an alleged violation of the professional standards of conduct for the employee's position.

Employees shall also notify Human Resources by the next working day after the employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

Further, employees must give full disclosure of any Child Protection Act investigation that resulted in an "inconclusive" determination that occurred at any time. Current employees must give such disclosure within 10 days following adoption of this Policy. As a condition of employment, applicants for employment must give such disclosure prior to commencement of employment. Any hiring made without such disclosure shall be subject to being immediately revoked in the event the required disclosure was not given.

Legal documents relating to criminal charges, arrests, and child abuse complaints shall be treated and maintained as part of the employee's confidential criminal background file.

Failure to notify Human Resources as required under this policy may subject the employee to disciplinary action, up to and including termination.

U. Safe Driving Record Standard for Drivers (Policy 3760)

Standard for Pupil Transportation Vehicle Drivers: Each person who is required to have a permit to operate a pupil transportation vehicle for this School District shall meet all requirements to hold and continue to hold a pupil transportation operator's permit. One of

the requirements for obtaining such a permit is that the person has a record of satisfactory driving as determined by Lincoln Board of Education policy. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 20 years; or
4. Accumulation of five or more points under the motor vehicle operators' license point system within the immediate prior four years. In the event the person has accumulated three or four points within the immediate prior four years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

Standard for Drivers of Other School Vehicles: Each person who drives a school vehicle other than a pupil transportation vehicle and does not transport students in the vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. In the event the person's employment position requires driving vehicles as a function of the person's employment, the employment may be terminated in the absence of a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 10 years; or
4. Accumulation of 6 or more points under the motor vehicle operators' license point system within the immediate prior 4 years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

The record of satisfactory driving standards shall apply to all new employees from and after the adoption of this policy (June, 2004). Existing employees shall be subject to the same standards, provided that the Superintendent or Superintendent's designee may determine to permit an exception based on the existing employee's record of satisfactory driving while employed with the District and the nature and proximity of prior driving offenses as such offenses relate to safe transportation.

V. Possession of a Weapon by Employees (Policy 4800 and Policy Regulation 4800.1)

The District prohibits any employee from being in possession of a weapon at a school attendance facility, on school property, at a school-supervised activity, or at a school-sponsored function. Any employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

1. As used in this policy, the term "weapon" means an instrument or object used, or which may be used, as a means of attack, defense, or destruction, including, without limitation:
 - a. Any object which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive or other means;
 - b. The frame or receiver of any object described in the preceding example;
 - c. Any firearm muffler or silencer;
 - d. Any explosive, incendiary or gas (a) bomb, (b) grenade, (c) rocket, (d) missile, (e) mine, or similar device;
 - e. Any bludgeon, sandclub, metal knuckles, or throwing star;
 - f. Any knife other than as used for strictly instructional or personal care or eating purposes. A pocket knife with a blade of 2-1/2 inches or more is a prohibited weapon. Maintenance employees may possess a knife with a blade of 2-1/2 inches or more if such a knife is necessary as a tool for the employee's work and if used in a manner for which it was designed. A switch-blade knife is prohibited regardless of size of the blade. A switch-blade knife is defined as a knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of a knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;
 - g. Any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun;
 - h. Any other object that is designed for or intended for use as a destructive or injurious device.
2. An employee may possess mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes and it shall not be considered as possession of a weapon. Possession of larger quantities and/or concentrations of mace or other similar chemical agents than is typically designed for individual personal defensive purposes will be considered as possession of a weapon. Usage of mace or other similar chemical agents will be considered as usage of a weapon if the usage is found to be for non-defensive purposes. An employee who is negligent in their possession of mace or other similar chemical agents will be subject to disciplinary action.
3. An employee may possess an item which may be considered a weapon where such item is used for instructional purposes and the employee has received approval of the administration to possess the item, provided it is used in the manner approved and is maintained in such manner as the administration has directed.
4. As used in this policy, the phrase "possession of a weapon" includes, without limitation, a weapon in an employee's personal possession, as well as in an employee's motor vehicle, desk, locker, backpack, or purse.

W. Visitors to Employees (Policy 4810)

Employees are not to have visitors on school property except on a short-term basis and only with permission of the principal or supervisor. Included in the definition of visitors are family members of the employee. Visitors should follow posted procedures for being on

school property. Staff is prohibited from bringing their children to school with them in lieu of taking them to childcare.

X. Personal Effects Not Replaced (Policy 4840)

Employees are discouraged from bringing personal items to work. Reimbursement by the district for stolen or damaged items will not be authorized.

Y. Civility of Employees (Policy 4750)

All employees shall behave with civility, fairness and respect in dealing with fellow employees, students, parents, patrons, visitors, and anyone else having business with the District. Uncivil behaviors are prohibited.

Uncivil behaviors shall be defined as any that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Such interactions could occur in telephone conversations, voice mail messages, face-to-face conversations, written communications, including email messages.

Any uncivil behavior should be reported to the immediate supervisor or to the Human Resources Division. Employees may be subject to disciplinary action under building and/or district policy or guidelines. Retaliation against a person who reports a claim of uncivil behavior is prohibited.

Z. Certificated Personnel-Professional Performance and Code of Ethics (Policy Regulation 4760.1)

It is the expectation of this District that all certificated staff shall comply with the ethics standards set forth by the Nebraska Department of Education, as such standards may be modified from time to time. The ethics standards which certificated staff shall follow shall include the standards set forth in this policy. References to “educator” shall include all certificated employees of the District.

Preamble

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

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

The standards listed in this section are held to be generally accepted minimal standards for all educators with respect to ethical and professional conduct.

Principle I - Commitment as a Professional Educator:

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

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

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
2. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.
4. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
5. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
6. Shall not sexually harass students, parents or school patrons, employees, or board members.
7. Shall not have had revoked for cause in Nebraska or another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which an educator's certificate is issued in Nebraska.
8. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
9. Shall report to the Superintendent any known violation of these standards.
10. Shall seek no reprisal against any individual who has reported a violation of these standards.

Principle II - Commitment to the Student:

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

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

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

7. Shall not discipline students using corporal punishment.

Principle III - Commitment to the Public:

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

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

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

Principle IV - Commitment to the Profession:

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

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

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

Principle V - Commitment to Professional Employment Practices:

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

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

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

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

AA. Standards for Classified Employees (Policy 4770)

In fulfillment of the employee's professional responsibilities, the employee:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, other employees, parents, school patrons, or school board members.
2. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, religion, handicapping condition or sexual orientation.
3. Shall not use coercive means, or promise or provide special treatment to students, other employees, school patrons, or school board members in order to influence professional decisions.
4. Shall not make any fraudulent statement or fail to disclose a material fact for which the employee is responsible.
5. Shall not exploit relationships with students, other employees, parents, school patrons, or school board members for personal gain or private advantage.
6. Shall not harass in any manner students, parents or school patrons, employees, or board members.
7. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties.
8. Shall keep in confidence personally identifiable student or employee information that has been obtained in the course of service to the district, unless disclosure serves professional purposes, or is required by law.
9. Shall not discipline students using corporal punishment.
10. Shall not misrepresent the school district, and shall take added precautions to distinguish between the employee's personal and institutional views.
11. Shall abide by policies and regulations of the Board of Education and the rules and standards established by the administration and the employee's supervisor.
12. Shall seek no reprisal against any individual who has reported a violation of these standards.

BB. Dispensing Medication (Policy 5503)

Medication will be administered only in accordance with the Medication Aide Act. Medications will not be administered during school hours except as necessary to provide appropriate educational services. Parents/guardians are encouraged to have medications given at home by the parent or by other responsible parties identified by the parent.

The school district reserves the right to review and decline requests to administer or provide medications which are not consistent with standard pharmacological references, are prescribed in daily doses which exceed the dosage recommended by standard

pharmacological references or which could be prescribed in a manner which would eliminate the need for giving medication during school hours. The school district may at any time consult with the student's physician with regard to any medication prescribed by such physician.

A physician's authorization and a parent/guardian request and authorization for the provision or administration of medication must be on file with the school prior to school district personnel providing or administering medication to a student. The only exceptions are as follows:

1. Emergencies, defined as situations when there is a need for immediate provision or administration of medication to preserve the health, safety and welfare of a student.
2. Non-prescription medications identified by the Department of Student Services from time to time as not requiring the authorization of a physician for administration or provision by school personnel, but only with prior written parent/guardian consent.
3. Non-prescription topical (non-systemically-acting) products typically used in school health offices as identified by the Department of Student Services as not requiring the prior authorization of parent/guardian or physician for occasional use for first aid and/or personal care purposes.

Medication which is to be provided or administered by school district personnel must be delivered to the school in the manufacturer's or pharmacy container and be maintained in such container at all times. The container must be properly labeled, meaning that it must include the child's name, physician's name, the name of the drug and directions for provision or administration of the medication.

CC. Reporting Child Abuse (Policy 5504 and Policy Regulation 5504.1)

Any Lincoln Public Schools employee who has reasonable cause to believe that a child has been subject to abuse or neglect or observes such person being subject to conditions or circumstances which would reasonably result in abuse or neglect shall report the same to: Protective Services, Lincoln Police Department or the State Office of Social Services.

In addition to reporting the alleged abuse or neglect to the proper authorities, the employee shall also inform the employee's principal or other immediate supervisor of the alleged abuse or neglect.

Abuse or neglect is defined in Nebraska Statutes as follows:

Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child to be: a) Placed in a situation that endangers his or her life or physical or mental health; b) cruelly confined or cruelly punished; c) deprived of necessary food, clothing, shelter, or care; d) left unattended in a motor vehicle if such minor child is six year of age or younger; e) sexually abused; or f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films or depictions.

All employees and administrators will fully cooperate with the law enforcement agencies and the Office of Social Services with regard to alleged abuse or neglect. Under Nebraska Statutes a person making a report under this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed except for maliciously false statements. Failure to make the report as required by the Nebraska Statutes with regard to

alleged child abuse or neglect does constitute a Class III misdemeanor, which carries a maximum penalty of three-month imprisonment and a \$500 fine.

It is vital that the report be made as accurately and as soon as possible. To assure accuracy, you are encouraged to document the date of the incident and specific statements or explanations made by a child regarding an abuse/neglect concern. Timeliness in making a report will assist in minimizing further risk to the child by allowing the police or Child Protective Services workers to interview the child prior to an evening or weekend. In cases of physical injury (e.g., bruising or other marks), it is essential the police observe and document the injury.

If the suspected abuser is an LPS employee, also notify the Associate Superintendent for Human Resources.

DD. Security of Desks and Lockers

Offices, desks, lockers, file cabinets and other such storage devices (“storage devices”) are owned by the school and are to be properly cared for and maintained. Appropriate security measures should be used to protect school and personal property kept in storage devices from theft or vandalism and to protect confidential student records.

The school exercises exclusive control over school property and reserves the right search offices and storage devices provided to or used by employees where permitted by law, such as where reasonable grounds exist for suspecting that a search will turn up evidence that the employee has committed work-related misconduct, or that a search is necessary for a noninvestigatory work-related purpose, such as to retrieve a file. School-related documents or records must remain readily available to administration and other appropriate school staff. Any personal items a teacher wants to have kept private should be kept in a separate personal storage device, such as a brief case, purse or backpack.

The District is not responsible for any personal property teachers may bring to school. Teachers are cautioned not to bring large amounts of money or items of significant value to school.

EE. Video Surveillance

Notice is given that video surveillance may occur on District property. Use of video cameras will be used in appropriate locations to ensure the health, welfare and safety of staff, students and visitors to District property, and to safeguard District facilities and equipment. In the event a video surveillance recording captures a teacher, student or other building user violating school policies or rules or local, state or federal laws, the video surveillance recording may be used in appropriate disciplinary proceedings and may also be provided to law enforcement agencies.

FF. Employment of Family Member (Policy 4310 and Policy Regulation 4310.1)

1. A member of the Board of Education, administrator or other employee with supervisory responsibilities may employ, recommend or supervise the employment of an immediate family member if:
 - a. He or she does not abuse his or her official positions as such "abuse" is defined at paragraph 5 below;

- b. He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
 - c. The Board of Education approves the employment or supervisory position.
- 2. No immediate family member of a Board of Education, administrator or other employee with supervisory responsibilities shall be employed by the School District:
 - a. Without the school district first having made a reasonable solicitation and consideration of applicants for such employment.
 - b. Who is not qualified for or able to perform the duties of the position.
 - c. For any unreasonably high salary.
 - d. Who is not required to perform the duties of the position.
- 3. The Board of Education, administrators or other employees with supervisory responsibilities shall not terminate the employment an employee so as to make funds or a position available for the purpose of hiring an immediate family member.
- 4. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.
- 5. Abuse of an official position includes, but is not limited to, employing an immediate family member:
 - a. Who is not qualified for or able to perform the duties of the position;
 - b. For any unreasonably high salary; or,
 - c. Who is not required to perform the duties of the position.
- 6. A member of the Board of Education may not be employed to teach in the School District. A member of the Board of Education may not cast a vote in the election of any employee when the Board member is related by blood or marriage to such employee.

GG. Tobacco Products on School Property (Policy 4890 and Policy Regulation 4890.1)

The use of tobacco products is prohibited on school district property, at a school-sponsored activity, within school vehicles, and on property leased or contracted for educational services. Violation of this policy by employees will result in disciplinary action, up to and including termination. All staff members in school buildings share the responsibility of adhering to and enforcing the policy prohibiting the use of tobacco products.

- 1. The administrator in each building is responsible for posting the district-approved no-smoking sign at each entrance.
- 2. Smoking in the building is a violation of the Nebraska Clean Indoor Air Act and is a Class V misdemeanor.
- 3. Employees are expected to inform persons smoking on school property that they are in violation of district policy.

HH. Employee Safety and Security

1. Occupational Blood Exposure Procedure

The district health services and the Risk Management Office have developed an employee blood exposure procedure for the district. Employees are to read the information prepared by the Risk Management Office and comply with the procedures contained within that document.

2. Drug-Free Workplace (Policy 4900 and Policy Regulation 4900.1)

The school district recognizes that the use, possession, or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with school purposes.

- a. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any district property or district sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.
- b. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the District's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time
- c. As a condition of employment, employees will abide by the District's drug-free workplace policies and notify the Associate Superintendent for Human Resources or designee of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- d. Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed upon employees who violate the aforementioned standards of conduct. Sanctions for violation thereof may include the requirement that the employee complete an appropriate rehabilitation program, reprimands, and non-renewal, cancellation, or termination of contract of employment.
- e. Employee shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.
- f. Employees shall be furnished with a copy of this regulation.

This regulation supplements and is in addition to all other policies, regulations, practices, procedures and contractual provisions regarding or related to the improper or unlawful possession, use or distribution of illicit drugs and alcohol.

The district's regulations and practices comply with the Federal Drug-Free Schools and with the Omnibus Transportation Employee Testing Act of 1991.

3. LPS Workers' Compensation Safety Committee and Injury Prevention Program

Board of Education Regulation 4670.3 outlines the Safety Committee and Injury Prevention Program.

LPS has a workers' compensation district safety committee to address employee accidents, injuries and work place conditions. A representative from each bargaining group plus representatives appointed by administration serve on the committee. The committee meets four times during the school year and minutes are distributed to the employee representatives for disbursement to employees.

Employee representatives are appointed by their respective employee groups. If you have a desire to serve on the committee, you should contact your employee group president.

Employees can make suggestions and/or report concerns to the safety committee in the following ways: 1) contact your employee group representative, 2) contact your employee group president, or 3) by writing to the Safety Committee in care of Risk Management, Box 14, LPSDO. All signed concerns will receive a written response from the committee.

The District Injury Prevention Program

The school district will strive to reduce and eliminate accidents and injuries by the following written injury prevention program:

- a. Supervisors will review all accidents/injuries for causation and make a written report to the Risk Management office. In addition, the Risk Management office, Workers' Compensation Committee and District Safety Committee will review all accident reports and make recommendations for prevention and/or training.
- b. Supervisors, or designee, will provide job site safety and health instruction for their employees as prescribed by the district. Specific written safety rules for each job under their supervision will be developed. The instruction will include general safety guidelines related to training, use of protective equipment and how to work in a safe and healthy manner for each job.
- c. Supervisors, or designee, will train all new employees on safety and health practices before they begin their work. A "Safety Orientation Checklist" designed by the supervisor for that particular job, will be completed.
- d. Supervisors, or designee, will annually review safety and health practices with all employees.
- e. Supervisors, or designee, will train all employees on safety and health practices when new job functions are added.
- f. Supervisors, or designee, will conduct daily inspections of all work areas for hazards. If hazards are found, they will be corrected by site personnel or a Request for Repair will be forwarded to Maintenance.
- g. Supervisors will expect all employees to adhere to district safety and health rules.

4. Hazard Communication Program

Lincoln Public Schools has developed a Hazard Communication Program for the safety and protection of its employees. The program provides employees of the Lincoln Public Schools their "Right-to-Know" information concerning the hazards and identities of the hazardous materials they may be exposed to while working. Also, the measures that the employee can take to protect themselves against these hazards are identified. Chemical exposures can occur in most any work environment.

Employees are at a significant risk of adverse health effects without proper and adequate knowledge of how to deal with hazardous materials. Chemicals can contribute to a number of hazards to workers, from mild health effects, such as irritation, to death. Chemicals can also create physical hazards by contributing to fires and explosions.

Safety programs are successful when modification of employer and employee behavior takes place. Becoming familiar with the Lincoln Public Schools Hazard Communication Program and its training procedures is the best way an employee can become a part of a healthful and safe working environment.

To get information on the current Hazard Communication Program for Lincoln Public Schools, contact the Director of Facilities at the Maintenance Department (extension 1072).

II. Workers' Compensation Procedures (Policy Regulation 4670.2)

All employees come under the provisions of the Nebraska Workers' Compensation law.

Employees are required to immediately report any work-related injury and/or work-related medical condition to their supervisor and complete all appropriate paperwork. The supervisor is to be knowledgeable of the district's procedures and direct the employee to comply with the reporting process. Details of eligibility, benefits, reporting, etc. are found in Human Resources Bulletin #2.

The Risk Management Department, with the aid of other human resources personnel and district legal council, is responsible for complying with all state and federal regulations related to workers' compensation and developing risk and cost containment procedures

JJ. Use of Technology Resources and Internet (Policy 3972 and Policy Regulation 3972.1)

Lincoln Public Schools adopts and shall enforce a policy of making technology resources available only to advance educational goals and objectives, supplement instruction and further school purposes. The operation and use of such technology resources by students, staff and the community shall be consistent with this policy. Technology resources includes, without limitation, computers and related technology equipment, all forms of E-mail or electronic communication and the Internet. The implementation of this policy shall include technology protection measures with respect to computers with Internet access, consistent with district standards, the Children's Internet Protection Act or other law. The superintendent or the superintendent's designees are authorized and directed, as part of the administration of this district, to establish and enforce regulations, forms, procedures, guidelines and specific district standards to implement this policy.

School computers and networks, and other technology resources including, without limitation, computers and related technology equipment or networks, all forms of E-mail or electronic communication, websites and all access to the Internet, including all on site or remote access thereto through school accounts, hereinafter referred to singly or collectively as “Computer Use,” and all files or information stored therein or thereon are the property of Lincoln Public Schools and shall be regulated by Lincoln Public Schools. Any Minor, Student, Adult, Staff Member or other person who engages in Computer Use as defined herein, is a “Computer User.” Computer Users have no privacy rights or expectations of privacy when using the same. Computer Use and all files or information stored therein, thereon or linked thereto may be monitored, tracked, logged, copied, reviewed and accessed at any time without prior notice. Lincoln Public Schools has complete authority to regulate all Computer Use and Computer Users. Computer Use is a privilege and not a property right. Computer Use is not a public forum. Computer Use is made available subject to all board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time. Computer Use is limited to current Lincoln Public Schools employees and Lincoln Public Schools business uses only. Computer Use shall not be permitted for personal reasons or for purposes that are contrary to the mission of the building site or the Lincoln Public Schools, unless deemed incidental, intermittent or occasional. Any Computer Use for profit is strictly prohibited. All Computer Users are hereby notified that any Computer Use as defined herein shall constitute an agreement by the Computer User to be bound by all Lincoln Public Schools policies and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

A. Definitions

1. Computer Use — Shall mean and include the use of school computers and networks and other technology resources including, without limitation, computers and related technology equipment or networks, all forms of E-mail or electronic communication, websites and the Internet including onsite or by dial-up or remote access thereto through school accounts, as well as any use which involves visual depictions, audio, video or text, in any form.
2. Computer User — Shall mean and include any Minor, Student, Adult, Staff Member or other person who engages in Computer Use as defined herein.
3. Access to the Internet — A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet, or which accesses the Internet by dial-up or remote access using a school Internet account.
4. Minor — Shall mean an individual who has not attained the age of 19.
5. Student — Shall mean an individual, regardless of age, including a Minor who is receiving educational services and is enrolled in Lincoln Public Schools.
6. Obscene — Shall have the meaning given such term in Section 1460 of Title 18, United States Code.

7. Child Pornography — Shall have the meaning given such term in Section 2256 of Title 18, United States Code.
8. Harmful to Minors — Shall mean any picture, image, graphic image file or other visual depiction that:
 - a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
 - b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual sexual act or sexual contact, actual normal or perverted sexual acts or a lewd exhibition of the genitals; and
 - c. taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.
9. Hacking — Shall mean Computer Use or using the Internet to attempt to gain unauthorized access to proprietary computer systems.
10. Technology Protection Measure — Shall mean and refer to a proxy server managed by Lincoln Public Schools that blocks and/or filters Internet access.
11. Authorized Adult Staff Member — Shall mean and refer to an adult staff member of Lincoln Public Schools.
12. Adult — Shall mean and refer to all Lincoln Public Schools employees or staff members and any other individual, whether an employee of Lincoln Public Schools or not, age 19 or older, except a Student as defined herein, who is a user of school computers or engages in Computer Use.

B. Computer Use and Access to Internet by Minors or Students

Minors or students accessing Internet services or engaging in Computer Use as defined herein shall be subject to the following rules and regulations, along with any additional building guidelines, use agreements, handbook provisions and all administrative orders or directives as issued from time to time:

1. Minors or students shall not access information or material that is obscene, child pornography, harmful to minors or students or otherwise inappropriate matter for educational or school-related uses.
2. Minors or students shall not engage in Computer Use which involves hacking or attempts to otherwise compromise any proprietary computer system's security or other unlawful activities by minors or students online or otherwise.
3. Minors or students shall not use electronic mail, chat rooms and other forms of direct electronic or computer communications without approval of an authorized adult staff member.
4. Minors or students shall not disclose, use or disseminate personal identification information or personally identifiable information of themselves or others while

engaging in Computer Use or while otherwise using or on the school account, computer, network or Internet.

5. Minors or students shall not engage in illegal activities on the Internet.

C. Computer Use and Access to Internet by Adults

Adults accessing Internet services or engaging in Computer Use as defined herein shall be subject to the following rules and regulations, along with any additional building guidelines, use agreements, handbook provisions and all administrative orders or directives as issued from time to time:

1. Adults shall not access material that is obscene, child pornography or otherwise inappropriate matter for educational or work-related uses or contrary to the School's mission.
2. Adults shall not engage in Computer Use which involves hacking or attempts to otherwise compromise any proprietary computer system's security or other unlawful activities by Adults online or otherwise.
3. Adults shall not engage in illegal activities on the Internet.

D. Technology Protection Measure

Lincoln Public Schools shall use a technology protection measure that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, Lincoln Public Schools may also use other technology protection measures or procedures as deemed appropriate.

1. The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes; (a) who has successfully completed district training by the Department of Instructional Technology on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of a building administrator.
2. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes during which time the minor will be monitored directly by the authorized staff member or his/her designee.

E. Adult or Minor Websites

Lincoln Public Schools has complete authority to regulate school property websites along with all content and posted link therein. This includes authority to shut down or remove any such website or posted link therein. All school property websites are bound by and must comply with all Lincoln Public Schools policies and regulations, these regulations, building guidelines, use agreements, handbook provisions and all administrative orders or directives as issued from time to time.

F. Violations of Rules

Any violation of Lincoln Public Schools policies and regulations, these regulations, building guidelines, use agreements, handbook provisions or administrative orders or directives as issued from time to time on Computer Use by any Computer User as defined herein, including access to the Internet may result in removal of privileges, reporting to law enforcement agencies and additional disciplinary action, including possible expulsion for minors or students or termination of employment for staff members or employees.

G. Objections

Objections to technology protection measures or related matters shall be handled under Regulation 6440.4 using the same procedures as are used for objections to the use of curriculum materials.

H. Severability

If any portion of this regulation or any section, sentence or word is held invalid for any reason, the remainder shall not be affected thereby.

KK. Non-District Employment (Policy 4870)

Employees shall not perform duties unrelated to District employment during their regularly assigned schedule. In addition, employees shall not engage in employment which conflicts with their duties for the District.

Employees employed by another Nebraska school district or other employer which is under the Nebraska School Employees' Retirement System are required to notify Lincoln Public Schools of such employment.

Employees who have a District work-related injury are required to notify the District of any employment outside the District.

Employees who have a non-District work-related injury are also required to notify the district of any employment outside the District.

LL. Soliciting and Selling (Policy 4830)

Employees shall not allow salespersons, representatives or agents of any commercial enterprise or theatrical presentation to call upon, secure contracts or student orders and business from employees engaged in their duties except for such times as may be designated by the Superintendent or designee.

Employees shall not use classrooms, buildings or other school property for personal use, profit, or commercial enterprise without specific approval from the district. Employees shall not use time for which the employee is paid by the district to engage in any activity for personal financial profit. Any violation of this policy will be held to be willful insubordination.

MM. Overtime (Policy Regulation 4600.2)

Lincoln Public Schools complies with the Fair Labor Standards Act (FLSA) to determine eligibility for overtime. Human Resources classifies all employees as either exempt or non-exempt based upon the job description. Administrators are exempt from the overtime requirements of FLSA.

The District's policy is to not permit improper deductions from the salary of exempt employees due to absences from work. An employee who feels an improper deduction affecting exemption status has occurred may submit a complaint to the Associate Superintendent for Human Resources or 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 all exempt employees. 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 Family Medical Leave Act (FMLA) leaves and in the first and last weeks of employment.

NN. Return of District Property Upon Separation or Leave of Absence
(Policy Regulation 4400.4)

When, for any reason, employment ends, the former employee is to return all district property immediately. If the immediate return of district property is not possible, the employee is to return the property within one working day. District property includes but is not limited to building keys, name badges, teacher edition texts and district computer equipment.

Any employee granted a full-time leave of absence should return all district property prior to taking such leave.

OO. Resignation of Certificated Employees (Policy Regulation 4400.1)

The district may refuse to accept the resignation of a certificated employee, including a resignation given mid-year and a resignation given for the following school year after April 15 or after execution of a contract or renewal letter.

PP. Employee Responsibilities and Duties (Policy 4720)

Any person employed with the Lincoln Public Schools agrees to perform the responsibilities and duties as assigned in a safe and efficient manner.

All employees must follow all Lincoln Public Schools policies, regulations, assessment and curriculum guidelines, testing procedures and protocols, division bulletins or directives, work rules, professional agreements, employee handbooks, and procedural handbooks/manuals. All employees shall obey all lawful and proper orders, instructions and directives issued by a supervisor either orally or in writing.

Employees are accountable for the proper use and care of District equipment and supplies.

QQ. Administration of Assessments (Policy Regulation 4760.2)

The district utilizes national, state and local student assessments as needed to determine the academic growth of students. Data and decisions based on that data are influenced by both assessment quality and the quality of the assessment process. Teachers are critical to the quality of the assessment process. Assessments are to be administered under standardized, secure conditions that help ensure accuracy and comparability of the data for students and student groups. The assessment administration guidelines outlined below help ensure that every student has an equal opportunity to demonstrate his/her knowledge and skills.

In fulfillment of the obligation to the student and the educator's contractual and professional responsibilities, the educator will:

1. Read the assessment administration instructions prior to administration and follow the instructions each time the assessment is administered.
2. Prepare the students for assessments through teaching of the district curricula.
3. Familiarize students with the format of the assessment through the use of assessment preparation practices. The teacher shall not use actual assessment items to plan instruction or to conduct assessment preparation sessions.
4. Review appropriate general assessment taking strategies with the students.
5. Review the purpose and importance of the assessments with the students prior to administering these assessments and encourage the students to perform their best.
6. Assure that students complete the assessment individually without any aid of notes, books or other people (with the exception of documented and allowable accommodations).
7. If appropriate, score the assessment as per district guidelines.
8. Maintain necessary assessment security.
9. Report any cheating or possible cheating by students or any deviation from the assessment administration instructions to the principal or his/her designee.

II. BENEFITS

Employee Benefits (Policy 4610)

Lincoln Public Schools strives to make a comprehensive benefits package available to eligible employees. Eligibility is reflected by each carrier's underwriting guidelines or plan document. The costs of the various options are borne either by the District, the employee or jointly as determined by the applicable agreement.

The District will comply with all applicable laws concerning the benefits programs offered.

The Human Resources Benefits Department serves as the official District representative with the insurance carriers and other benefit programs.

It is the policy of this District that participants who terminate employment with the District prior to attaining age 59 ½ with account balance(s) in the District's Elective (and Non-Elective) 403(b) Plan(s) that:

- The District will not authorize a distribution if there is a prearrangement for reemployment at the time of termination of employment or requested distribution.

- The District will not seek to reemploy a former employee within the periods specified by Human Resources, as applicable to the former employee.
- Former employees who receive a distribution from a 403(b) Plan are to be informed of rehiring restrictions by Human Resources prior to distribution(s).

A. Fringe Benefits

During the month of September, each continuing administrator will certify in which of the following optional programs he/she wishes in to enroll:

1. Health insurance
2. Disability Insurance
3. Life Insurance
4. Dental Insurance
5. Vision Insurance

Eligibility for enrollment or re-enrollment in the district health plan after a leave of absence is dependent upon any applicable Family Medical Leave Act provisions, the underwriting guidelines of the health insurance company, the district’s Section 125 Flexible Benefits Plan, the rules of the Benefits Department concerning eligibility of newly hired employees, and the employee’s ability to pay his/her portion of the premium through payroll deduction for the remainder of the fiscal year.

Each employee who purchases a district health insurance policy through the Educators Health Alliance will receive the following amounts toward that purchase.

Coverage	2008-09	2009-10
Employee Only	\$408.84	\$444.62
Employee + Spouse	\$595.62	\$692.75
Employee + Child(ren)	\$526.32	\$612.15
Employee + Spouse + Child(ren)	\$760.99	\$885.99

If an employee takes Employee+Spouse+Child(ren) coverage and his/her spouse is an LPS employee who is eligible for district EHA health insurance but who is not taking EHA health insurance, there is an additional district contribution of \$333.06 per month in 2008-2009 and \$302.62 per month in 2009-2010.

B. Enrollment in Insurance Programs

New employees have 31 calendar days after their first day of employment to enroll in any of the insurance programs (vision, dental, disability, life insurance, and health insurance) provided by the school district. However, since insurance premiums are pre-paid, applications must be received by Human Resources before the 10th of the month to be effective the 1st of the following month.

Annually, current employees may enroll during the month of September, however some coverages may not be available or there may be restrictions on the coverage.

Public Law 99-272 (COBRA) entitles some employees and dependents to continue insurance coverage after employment termination. Please refer to Appendix C or call Human Resources, 436-1593 for more information.

C. Employee Flexible Benefit Plan

Lincoln Public Schools provides for its employees an IRS Section 125 Plan which is called the Employee Flexible Benefit Plan. Participants in this plan use pretax dollars from their salary or fringe allocation for any combination of the following: 1) to pay premiums on district-offered insurance plans; 2) to pay medical expenses which are not covered under their health insurance plan or are not reimbursed from other sources; and 3) to pay eligible dependent care expenses. The primary purpose for participating in the flexible benefit plan is the tax savings that results from using pretax dollars for the expenses described above. New administrators may enroll in this plan during their first thirty (30) days of employment with the school district while continuing administrators may enroll during the September open enrollment period. Call Human Resources, 436-1593, for more information about this plan.

D. Death Benefit

The Board of Education provides a \$15,000 death benefit for the beneficiary of each administrator. Employees should notify the Human Resources Office of any changes in beneficiary that may have occurred since they began employment with the district.

E. Elective 403(b) Plan

An elective 403(b) plan is available to all employees. For more information call Benefits, 436-1593. Information concerning the program is also included on the LPS web site.

F. Employee Assistance Program (Policy Regulation 4630.1)

Lincoln Public Schools recognizes that a wide variety of problems not directly associated with one's job function can have an effect on an employee's job performance. In most instances, the employee will overcome such personal problems independently and the adverse effect on job performance will be negligible. However, for some employees professional assistance will be necessary.

The Lincoln Public Schools, in cooperation with the Continuum Employee Assistance Program, has training programs for supervisory and other appropriate personnel. The training will help supervisors with early recognition of behavior or medical problems adversely affecting job performance and provide supervisory techniques and strategies to assist proper usage of the Continuum Employee Assistance Program.

No employee's job security or promotion opportunities will be jeopardized by requesting or receiving assistance or treatment.

Types of Referrals

Referrals to the Continuum Employee Assistance Program will be either by (1) a self-referral by the employee or (2) a supervisory referral.

Mandatory Supervisory Referrals

When an employee's performance at work is negatively impacted by events in their life or the lives of their families, supervisors may refer the employee to Continuum after consultation with the Associate Superintendent for Human Resources.

The employee must comply with any mandatory supervisory referrals for diagnosis and cooperate with prescribed counseling or therapy.

Unacceptable job performance will continue to be addressed regardless of the employee's participation in the employee assistance program.

Leave

Employees may utilize applicable leave for treatment or rehabilitation. The district will not be obligated to pay referral agencies fees.

Dependents

Since employee work performance can be affected adversely by the problems of his/her spouse or other dependents, the program is available to the families of the employee.

Confidentiality

Records of employees seeking assistance either through self-referral or supervisory referral shall be kept strictly confidential. Self-referrals will not be noted in any official records or in the employee's personnel file.

G. Direct Payroll Deposit

Administrators are required to have automatic deposit of their payroll checks to financial institutions that will accept ACH deposits. Bank Deposit Authorization forms are available in every school office and from the Accounting Department, 436-1710.

H. Retirement

Administrators who are considering retirement are encouraged to schedule a conference with Human Resources early in their planning process. Call Human Resources, 436-1593, for information or to make an appointment.

Human Resources schedules a retirement planning orientation session for certificated employees each year during February or March. The purpose of the meeting is to provide information about the retirement process and to answer questions. Administrators are not obligated in any way by attending the session.

To begin the retirement process, administrators must first submit a completed "Request for Change of Status" form to Human Resources.

1. Social Security

All employees are covered by provisions of the national Social Security Act.

2. Nebraska School Employees Retirement System

The Nebraska School Employees Retirement System is a retirement program for all eligible public school employees administered by the State of Nebraska to provide funds for granting retirement benefits. To become familiar with the provisions of the State Retirement program, you should obtain a copy of the latest brochure from the State Retirement Office, 471-2053. Extra copies may also be available from the Human Resources Department, 436-1593.

Upon termination or separation of employment prior to retirement eligibility, an employee may apply in writing to the Retirement Office, 1221 N St., Suite 325, Lincoln, for return of the employee’s contributions made to the Nebraska School Employees Retirement System (471-2053).

I. Job-Related Travel and Expenses

Employees requesting reimbursement for traveling expenses must obtain the Business Affairs publication, “Travel and Expense Guide” prior to travel. The employee must comply with these rules in order to receive reimbursement

1. Mileage

Administrators who are required to travel out of the district on behalf of the school district shall be reimbursed for expenses at the allowable mileage rate determined by the State of Nebraska, unless otherwise required by law. Travel to meetings, classes, extra standard assignments (i.e., coaching), etc. is not eligible for reimbursement.

Administrators receive annual compensation for in-district travel. Current allotments are provided below:

	<u>2008-2009</u>	<u>2009-2010</u>
High School Principals	\$1,439.61	\$1353.48
Middle Level Principals	\$1248.00	\$1173.33
Elementary Principals	\$1080.13	\$1015.51
Assistant/Associate Principals	\$961.43	\$903.91
Athletic Directors	\$1248.00	\$1173.33
LPSDO Staff	Range \$1,368.39 - \$1,872.00	\$1286.52 - \$1760.00

The allowances for the 2009-2010 school year were adjusted proportionally to the per-mile reimbursement paid by the district as of July 1, 2009.

2. Meals

Actual out-of-pocket expenses for meals related to travel on behalf of the district will be reimbursed to a maximum per diem as outlined in Business Bulletin #20.

3. Other Expenses

A line item will be included in the budget for recovering reimbursable out-of-pocket expenses related to miscellaneous job-related expenses. Submit requests to the Office of the Superintendent.

J. Travel Reimbursement (Policy 4650)

Some positions within the District require travel between locations and use of a personal vehicle. Employees who are required to travel must carry the automobile liability insurance required by the State of Nebraska. The District does not assume responsibility for vehicles or other property damaged while in the course of travel related to job duties.

Travel reimbursement may be granted when an employee is required to travel to more than one location in a single day. Claims will not be honored unless the travel has been authorized by the appropriate supervisor or director. Travel to meetings, classes, extra standard assignments (i.e. coaching), etc. is not eligible for reimbursement.

Reimbursement for authorized travel will be made in accordance with the procedures provided by the Department of Business Affairs.

Due to the quantity of required in-district meetings and activities, administrators receive a stipend for in-district travel and do not receive mileage reimbursement for such travel.

K. Professional Growth Experiences

Administrators are encouraged to develop and follow a professional growth plan during their tenure with Lincoln Public Schools. The source of funds for these professional growth activities will vary depending upon the administrative position. Some administrators receive professional development funds as part of their own budget or the budget developed within their department. For many administrators, however, professional growth activities are funded by an annual allocation coordinated by the office of staff development. The guidelines for this annual allocation are described in the following paragraph. All administrators are advised to clarify funding of their professional growth activities with their supervisor.

Many administrative positions carry an annual allocation of funds to be used for professional growth experiences not sponsored by the district. Administrators are notified annually of the amount of their professional growth allocation. Funds allocated for use during a given school year but not used during that year may be carried forward for use during the next school year only. The accumulation of professional growth allocation funds by an administrator cannot be greater than the total amount for two years. Administrators may draw from their allocation by submitting a reimbursement request well in advance of the planned function. The reimbursement request will be approved or disapproved by the office of staff development.

L. Absences from Work (Policy 4640)

Regular attendance is an essential function of every position in Lincoln Public Schools. Employees are expected to be at work on a regular basis. However, there are legitimate reasons for being absent from work and several types of leaves are provided to employees to accommodate these needs. Employees are expected to be at work or use appropriate leave.

Leaves will be provided in accordance with state and federal laws.

Employees are required to utilize the appropriate notification and approval procedures for all leaves.

In the case of a communicable disease outbreak, other public health emergency or any situation in which on or more schools must be closed, the Associate Superintendent for Human Resources will determine what applicable paid leaves, if any, may be utilized by staff.

Any employee who needs to be absent from work, has exhausted all applicable paid leave and any applicable FMLA leave, and wishes to remain an employee of the District must request a leave of absence. Human Resources reviews the request and forwards those recommended for approval to the Board of Education. A leave of absence is defined as a Board of Education approved absence from work without pay.

1. Annual Leave

Full-time administrators shall receive 15 days (120 hours) of paid annual leave each year. This includes full-time administrators with less than a twelve-month (260-day) work assignment. The fifteen (15) days will be prorated for employees who are not assigned to work full days. Annual leave will accrue at the rate of one and one-quarter (1.25) days or ten (10) hours per month. Accumulation of unused annual leave shall be without limit. Annual leave may be used as sick leave or emergency leave. When administrators have used all fifteen (15) days of current annual leave, they may use accumulated leave as sick leave.

Annual leave is not to be used as vacation leave.

Use of annual leave as sick leave. Provision is made for use of annual leave as sick leave during the course of the contract. Absence due to personal injury or accident not arising in the course of employment, absence due to illness of a person residing in the same home as part of the family, and also children, parents, parents-in-law, and siblings not residing in the same home, and absence due to quarantine laws of the State are interpreted as eligible for annual leave. In addition, an administrator who is temporarily disabled from a medical standpoint by reason of pregnancy, childbirth, false pregnancy, termination of pregnancy and child delivery is within this provision for the period of such medical disability. Annual leave is classified as current or accumulative.

The following items relate to the use of annual leave for health reasons:

- a. If the period of physical disability occurs during the term of his or her contract period, the employee will receive pay for the actual contract days lost due to the disability up to the amount of accumulated annual leave. No annual leave or any other paid leave will be granted for non-contract days.
- b. If an administrator requests, and is granted a leave of absence, and thereafter becomes physically disabled, he or she will not receive any annual leave pay.
- c. If a member of the immediate family is recommended for treatment through the Employee Assistance Program counselor, an administrator may use accumulated annual leave for the duration of the prescribed treatment, but not to exceed fifteen (15) working days per incident.
- d. Administrators who have exhausted their cumulative annual leave may borrow up to ten (10) days of the next year's allotment. If the administrator resigns before earning the borrowed days from the succeeding year, the administrator will have his or her pay reduced before final payment is made. Should illness,

however, be the reason leading to resignation or termination, the administration shall not be required to pay back the borrowed days.

- e. An administrator may request permission of the superintendent to use annual leave days for absences during an extended family illness or crisis that lasts beyond their current accumulated annual leave.

Holidays as annual leave. Holidays occurring within the period that the administrator is absent shall not be charged against current or cumulative annual leave.

Vacation as annual leave. Any administrator having available vacation credit at the time of personal illness, personal injury, and/or compensable injury may elect to use it in lieu of annual leave.

Absences due to illness in cases of administrators receiving vacation allowances shall be interpreted as "continuous service" and vacations shall be granted as per contract. A physician's statement is required.

Absence when annual leave is exhausted. Persons absent due to illness and using time beyond current annual leave are required to file with the Human Resources Office a physician's statement stating the nature of the illness and the request for continued absence. A similar physician's statement may be required periodically after 30 days of absence until the individual returns to work or all of the cumulative annual leave has been used.

Administrators who have exhausted their accumulated annual leave and are under the care of a physician may request up to twenty (20) continuous working days of extended annual leave. A five-day waiting period will take place prior to the administrator's use of this leave. If an administrator has exhausted the twenty (20) days of extended annual leave and continues to be under the care of a physician, the administrator may request an additional twenty-five (25) days of extended annual leave after ten (10) days of leave without pay have elapsed. Extended annual leave pay will be 50 percent of the administrator's daily rate of pay.

After the total accumulated annual leave is used, pay for absences not covered by accumulated time shall be deductible at the daily rate of pay as computed in accord with the terms of the contract of each employee.

Return to work. (Policy Regulation 4640.1)

Paid leave for personal illness will not be authorized after five days without presenting a statement from the treating physician for approval by Human Resources.

Employees who have an accident (regardless of where or when) resulting in injury or treatment; have a major health issue such as loss of consciousness, heart attack, stroke, etc.; or a major illness must have a release to return to work that details dates of treatment, diagnosis, and whether or not there are any physical restrictions. The release must be presented to Human Resources for approval to return to work.

All health-related absences of five or more days require a written statement from the treating physician stating that the employee is physically able to return to duty. Supervisors may request a release to return to work at any time they deem

circumstances warrant. The release must be presented to Human Resources for approval to return to work.

Employees released to return to work with restrictions must provide written documentation to the supervisor in advance of the designated return date. The supervisor will confer with Human Resources to determine if and when the employee is able to return to work.

Reporting illness. When administrators are ill, they are to inform their immediate supervisor and make other appropriate work-related arrangements.

Pay for Accumulated Annual Leave. Administrative employees who separate from Lincoln Public Schools following ten (10) years of employment as an administrator or as a certificated employee within Lincoln Public Schools will receive twenty-two dollars (\$22.00) per hour for each hour of accumulated annual leave.

The accumulated annual leave held by continuing administrators at the end of a contract year will be carried into the succeeding contract year to become part of their accumulated annual leave and will have the value per hour upon separation from the district as listed above.

An administrator desiring to receive the payment for accumulated annual leave must notify the Human Resources Office by January 15 of the year of retirement. This deadline may be waived by the Associate Superintendent for Human Resources due to extenuating circumstances. Retirement shall be effective as of July 1 of that year unless another date is approved by the Associate Superintendent for Human Resources.

For retiring administrators, a payment for the accumulated annual leave, which satisfies the qualifications of the District's non-elective 403(b) plan and the District's Health Reimbursement Arrangement (HRA) plan, will be paid as follows:

- 1) 50% of the amount payable will be contributed to the District's non-elective 403(b) plan, subject to the annual contribution limit under Internal Revenue Code (IRC) section 415, and
- 2) 50% of the amount payable will be contributed to the District's HRA plan.

Any non-elective 403(b) amount payable in excess of the annual contribution limit under IRC section 415 will be contributed to the participant's account in the non-elective 403(b) plan as soon as administratively feasible over a period not to exceed five years following retirement. The amount contributed to the non-elective 403(b) plan on behalf of the participant each year following retirement must comply with the annual contribution limits under IRC section 415 each year.

2. Bereavement Leave

A total of not more than five (5) consecutive work days on full pay is allowed each administrator for absence in case of death of the immediate family, defined as spouse, children, mother, father, mother-in-law, father-in-law, brother, sister, son-in-law, and daughter-in-law, grandchild or person residing in the same home as part of the family for the purpose of attending the funeral or attending to matters related to the death. A

total of not more than three (3) consecutive work days on full pay is allowed for each administrator for absence in case of death of other members of the family, defined as brother-in-law, sister-in-law, grandparent, aunt, uncle, niece, or nephew for the purpose of attending the funeral or attending to matters related to the death.

Bereavement leave is not limited to five or three days respectively in one year but covers each death in the immediate family that occurs during the year.

An administrator shall be excused for a maximum of one day per year, without loss of pay, to attend funeral services of relatives and/or friends other than those listed above. Additional time required will be charged to annual leave.

3. Professional Leave (Policy Regulation 4640.8)

Employees may request paid professional leave for the purpose of attending local, state and national professional meetings, activities or conferences. Paid professional leave may be granted if the District or supervisor determines that the attendance at such meeting or conference will directly benefit the District.

Requests by individual staff members for professional leave and related expenses will be submitted to the staff member's immediate supervisor and/or the person responsible for the budget from which expenses, if allowed, will be paid. The request should be submitted with sufficient time to make appropriate arrangements and to secure a substitute where necessary. Reimbursements of expenses will be provided in accordance with procedures provided by the Department of Business Affairs. Employees shall not be reimbursed for expenses for any school-business-related or District travel by private or noncommercial aircraft. All school-business-related or District travel by private or noncommercial aircraft is prohibited unless preauthorized by the Associate Superintendent for Human Resources.

Professional leave is defined as time away from an employee's normal work assignment to participate in work-related activities, including, but not limited to professional meetings, staff development, curriculum writing, or supervision at student activities.

Professional leave will not be granted to administrators who attend or participate in commencement exercises of the various colleges and universities; except, any administrator of the Lincoln school district who is a bona fide candidate for a degree shall be granted professional leave.

4. Jury Duty (Policy Regulation 4640.7)

Administrators of the district are encouraged to fulfill their citizenship obligation of jury duty. Their salary will continue during time spent in jury service.

Employees shall give their immediate supervisor notice within a reasonable time of receiving a jury summons. If an administrator, upon reporting for jury duty in the morning, learns that he or she is dismissed from jury duty for the remainder of the day, he or she is to resume duties for the balance of the day. When entirely dismissed from jury duty, the administrator is directed to return to work.

Pay may be reduced in an amount equal to any compensation, other than expenses, paid by the court for jury duty.

5. Assault Disability

Any administrator missing contract days due to job-related injury as a result of physical assault while within the scope of his/her employment with the Lincoln Public Schools shall not have those days charged against accumulated annual leave days. After five (5) workdays, continued absence is authorized only upon recommendation of the personal physician.

The term "assault and battery" shall be defined for purposes of this section as an assault or battery inflicted within the scope of the administrator's employment. Assault is defined as the threat or use of force on another that causes that person to have a reasonable apprehension of imminent harmful or offensive contact; the act of putting another person in reasonable fear or apprehension of an immediate battery by means of an act amounting to an attempt or threat to commit a battery. Battery is defined as the application of force to another, resulting in harmful or offensive contact.

In the event that an administrator of the Lincoln schools should be subject to an assault or battery while within the scope of his or her employment with the Lincoln Public Schools, the administrator should take the following action:

- a. The administrator should immediately notify the Lincoln Police Department of the alleged assault or battery.
- b. The administrator should notify his/her immediate supervisor of the alleged assault or battery.
- c. The standard procedures for reporting accidents shall thereafter be followed.
- d. If the administrator is not satisfied that the prosecuting officials are taking appropriate action with regard to the alleged incident, the administrator may report the same to the office of human resources. The Office of Human Resources should attempt to ascertain the status of any criminal proceedings and coordinate efforts to obtain appropriate action by the prosecuting officials.
- e. In the event that the administrator wishes to take any civil action to recover his or her damages against the perpetrator of the assault or battery, this is a private legal proceeding; therefore, the administrator will need to obtain his or her own legal counsel to assist in presentation of such claims.
- f. Administration should recognize that the determination of what criminal proceedings will be commenced against the perpetrator of an assault or battery is the function and responsibility of either the legal department of the City of Lincoln or the County Attorney of Lancaster County. The Board of Education has no standing to actually commence any such proceedings. The Board of Education will, however, endeavor to assist the administrator in bringing relevant information to the attention of the appropriate prosecuting officials.

6. Professional Leave to Study or Travel Abroad

Leaves of absence to study or travel abroad do not include provision to accept employment elsewhere during the period of the leave, nor does it provide for "exchange" of administrators between different school systems. All exchange assignments must have board approval.

Permission to be absent from duty without pay for a semester, a year, or other clearly defined period for this purpose may be obtained upon the recommendation of the Superintendent of Schools and the approval of the Board of Education.

7. Military and Family Military Leave (Policy Regulation 4640.2)

Military leave and family military leave will be granted to the extent required by state and federal law.

Employees must notify Human Resources as soon as they receive notification of activation.

Employees will attach a copy of their orders to a district leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Associate Superintendent for Human Resources or designee at least 14 days in advance of taking such a leave if the leave will be for five or more consecutive days. The employee is to consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the school.

For leaves of less than five days, the employee is to notify the Associate Superintendent for Human Resources or designee of the leave request as soon as practicable.

Family military leave under the Family and Medical Leave Act (FMLA) will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave.

8. Civic and Political Leave (Policy Regulation 4640.4)

A. Paid Civic Leave for Certificated Employees

A certificated employee appointed to an unpaid position with a city, county or state committee, board or commission, or who is serving as an officer or on a board, excluding advisory or adjunct, in a community organization, may request civic leave with pay on the appropriate form provided by the Human Resources Division. Human Resources reviews the request and forwards those recommended for approval to the Board of Education. The maximum time approved for paid civic leave will not exceed the equivalent of two (2) work days or fourteen (14) hours per month.

A certificated employee requesting or taking leave under this regulation with pay shall be required to keep the school district informed and disclose to the school district any pay or funds received while on civic leave. Failure to comply with this regulation may be considered cause for disciplinary action, including ending employment. A certificated employee on paid civic leave who is paid by another source while on such leave agrees the leave should be unpaid, agrees to reimburse any District pay during such period and agrees the District may deduct from future wages all amounts necessary to fully reimburse any District pay during such period.

B. Unpaid Civic Leave for Certificated Employees

Any certificated employee elected, appointed or otherwise, to a paid public office contained in Chapter 32 of the Nebraska Statutes, or serving in any other paid civic, political or public office or position may be granted civic leave without pay and may be eligible for participation in group insurance programs in accordance with the contract provisions of the carrier. Depending on the public office, leave may be half time, one semester, or other arrangements as developed between the employee and Human Resources.

Prior to submitting their name for public office, certificated employees shall notify the Associate Superintendent for Human Resources in writing of their intent allowing sufficient time for the Board of Education to be notified.

1. If the certificated employee wishes to campaign during working hours, a personal leave may be requested.
2. A certificated employee who is elected to a state legislature or congress shall be entitled to an unpaid leave of absence for the length of term of office.

C. Paid Civic Leave for Classified Employees

A classified employee appointed to an unpaid position with a city, county or state committee, board or commission, or who is serving as an officer or on a board, excluding advisory or adjunct, in a community organization, may request civic leave with pay on the appropriate form provided by the Human Resources Division. Human Resources reviews the request and forwards those recommended for approval to the Board of Education. The maximum time approved for paid civic leave will not exceed the equivalent of one (1) work day or eight (8) hours per month.

A classified employee requesting or taking leave under this regulation with pay shall be required to keep the school district informed and disclose to the school district any pay or funds received while on civic leave. The Associate Superintendent for Human Resources will make the determination of whether or not reimbursement is necessary. A classified employee on paid civic leave who is compensated for their services, shall reimburse the District or agrees the District may deduct from future wages all amounts necessary to fully reimburse any District pay during such period. Failure to comply with this regulation may be considered cause for disciplinary action, including ending employment

9. Exchange Administrators/Teachers (Policy Regulation 4640.3)

Prior to submitting an application for an exchange teaching position, the employee must request approval from the Associate Superintendent for Human Resources and must also receive Board of Education approval.

A certificated employee on an approved exchange program shall retain all tenure and employment rights upon return from the leave.

10. Vacation Leave

Administrative personnel on 12-month contracts earn two days of vacation leave per month. Vacation leave may be used after three months of service up to the amount earned.

Vacation days may be accumulated if not used during a contract year. The maximum number of vacation leave days that can be accumulated is 51.

Administrators upon separation from the District will be reimbursed for his/her unused vacation leave. The payment for unused vacation leave will be at the administrator's per diem rate.

For retiring administrators, a payment for unused vacation leave, which satisfies the qualifications of the District's non-elective 403(b) plan and the District's Health Reimbursement Arrangement (HRA) plan, will be paid as follows:

- 1) 50% of the amount payable will be contributed to the District's non-elective 403(b) plan, subject to the annual contribution limit under Internal Revenue Code (IRC) section 415, and
- 2) 50% of the amount payable will be contributed to the District's HRA plan.

Any non-elective 403(b) amount payable in excess of the annual contribution limit under IRC section 415 will be contributed to the participant's account in the non-elective 403(b) plan as soon as administratively feasible over a period not to exceed five years following retirement. The amount contributed to the non-elective 403(b) plan on behalf of the participant each year following retirement must comply with the annual contribution limits under IRC section 415 each year.

Holidays occurring within the period that the employee is absent on vacation are not to be charged against vacation leave.

11. Holidays

Administrators on 260-day contracts receive paid holidays as indicated on the 260-day calendar (see Appendix E). One or two additional non-work days may be designated on an annual basis in order to complete the 260-day work calendar. The extra day(s) may be designated as paid or non-paid depending upon the specific calendar for that year.

A discretionary paid holiday is allowed all administrators on 260-day contracts. The additional day can be used at the discretion of the administrator on any non-student, non-teacher day.

12. Voluntary Leave Transfer for Catastrophic Illness

The Voluntary Leave Transfer gives certificated staff the opportunity to help fellow employees by donating annual leave to employees faced with serious personal or family medical conditions that require their absence from duty for a prolonged period of time.

In order to be a leave recipient an employee must:

- a. Be an administrator.
- b. Exhaust all other types of available leave.
- c. Provide the Associate Superintendent for Human Resources, or their designee, with written confirmation from a physician on the approved LPS form that the employee or immediate family member is suffering from a medical condition requiring the employee be absent from work. For purposes of this program, immediate family shall be defined as family members residing in the same home as well as children, parents, parents-in-law and siblings not residing in the same home.

After the Associate Superintendent for Human Resources has approved an employee as a leave recipient, certificated staff may either donate annual leave to the leave account of the recipient. (It should be noted that Federal law prohibits the donation of accumulated leave for this purpose.) Said donation shall be submitted in writing on the form provided by the Human Resources Office for this purpose.

Approved leave recipients may solicit leave donation from within their own building and/or use District communication channels. In order to protect employee privacy, no solicitation of leave shall be undertaken without their prior approval.

Leave shall be requested in a block of time not greater than 33 days and not greater than the remainder of the current school year. An employee may use a maximum of 33 days of donated leave within one school year. The donation shall be made in whole day increments and submitted in writing on the form designated by Human Resources. Leave shall be transferred in the order received and any leave remaining shall be returned to the original contributor.

Staff may make additional leave transfer requests if the illness extends beyond the original anticipated date. All leave transfer donations shall be treated as confidential.

Leave may be transferred to and from an employee in another employee group, if that group has a similar leave transfer for catastrophic illness and that group agrees to a reciprocating arrangement with the Association.

13. The Family and Medical Leave Act of 1993 (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) requires employers to grant up to 12 weeks of job-protected leave in a 12-month period. FMLA may be used for: (1) the birth of a son or daughter, and to care for the newborn child; (2) placement with the employee of a son or daughter for adoption or child care; (3) to care for a spouse, son, daughter or parent with a serious health condition; (4) because of a serious health condition that makes the employee unable to perform the functions of the employee's job; (5) because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty or called to active duty status; and (6) to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (this last leave reason permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a 12-month period).

Eligible workers must have been employed for at least one year by LPS and have worked 1,250 hours within the 12-month period prior to the first day of the leave.

Employees will be required to substitute remaining applicable paid leave while taking unpaid FMLA leave. In other words, the total of job protected paid and unpaid leave is 12 weeks. During the unpaid leave the school district will maintain the employee's coverage under any group health plan (which includes health insurance, dental insurance and vision insurance) on the same conditions as coverage would have been provided had the employee not taken FMLA leave.

The plan year for FMLA is a rolling year. A rolling year is a 12-month period measured backward from the date of any FMLA leave usage.

Employees should notify Human Resources, extension 1593, if you wish to apply for provisions of the Family and Medical Leave Act. Please refer to Appendix B for employee rights and responsibilities. Any questions regarding FMLA should be directed to Human Resources, 436-1593.

14. Unpaid Leave of Absence

When no other leave may be utilized, an administrator may make application for an unpaid leave of absence.

An unpaid leave of absence will not be granted beyond the balance of the school year plus one additional year provided, however, that upon application of the administrator and his/her immediate supervisor, in cooperation with the human resources office, a leave may be specifically extended by the board beyond said period of time. A leave of absence will specify the date of return to duty. During times of leave of absence, an administrator shall retain all provisions as outlined below:

- a. The right to return to the former position where possible.
- b. An opportunity to possibly continue participating in the district's group health, vision, dental and life insurance, but not the disability insurance nor the death benefit plan. Continuation in these plans is entirely at the employee's expense and is dependent upon the insurance carriers' underwriting guidelines and all applicable state and federal laws. Refer to the Employee Benefits Booklet and the COBRA information in Appendix C for more information.
- c. The right to request an extension of leave of absence a maximum of one (1) additional year with board's approval.
- d. Upon return, the Superintendent will determine the placement of the administrator within the appropriate salary range. Factors considered in this placement include the administrator's placement prior to the leave of absence and any change in assignment.

15. Unpaid Leave of Absence (to accept employment elsewhere)

An administrator who has five consecutive years of service may be granted an unpaid leave of absence for up to one year to accept employment elsewhere provided that supportive recommendations are secured from the immediate supervisor and the Human Resources Office and if a suitable one-year replacement can be found.

M. Employee Health Issues (Policy 4920)

Lincoln Public Schools will not discriminate against any employee due to health conditions. However, there are times when it is in the best interest of staff and students for an employee's health condition to be disclosed to the district. Such information shall be treated as confidential, as required by state and federal statutes, and will be divulged only to the extent necessary to protect the employee, other staff and students.

Employees with a major health condition are to advise the Associate Superintendent for Human Resources or designee of the condition. A major health condition is defined as a condition, injury or disease affecting the employee's ability to carry out the essential functions of the position they hold or a communicable or infectious disease that may be transmitted from person to person. Disclosure is necessary to determine whether steps need to be taken to ensure a safe working and learning environment for the employee, other staff and students.

All employment actions will comply with applicable state and federal statutes.

Communicable or Infectious Disease (Policy Regulation 4920.1)

Communicable or infectious diseases are conditions which can be transmitted from person to person and are capable of producing significant illness in another person. Communicable or infectious diseases include, but are not limited to: HIV/AIDS, Tuberculosis (TB) and Hepatitis B and C. An employee with a communicable or infectious disease is subject to the same working conditions and performance requirements as any other employee.

In the absence of disclosure of a known communicable condition, the provisions of this regulation shall apply to the employee who has open or draining wounds, demonstrates inability to control body fluids or is otherwise reasonably believed to have a communicable condition that places others at risk of exposure of a communicable disease.

The following procedures shall be followed with respect to an employee who is known to have or reasonably suspected of having a communicable or infectious disease.

1. Employees who have or suspect that they have a communicable or infectious disease shall advise the Associate Superintendent for Human Resources or designee. Such information shall be treated as confidential and will not be divulged to other persons or sources except to the extent necessary to ensure a safe working and learning environment for the employee, other staff and students.
2. The Associate Superintendent for Human Resources or designee may require employees to provide current medical information or to submit to a medical evaluation if there is a reasonable suspicion that an employee has a communicable or infectious disease. If additional medical testing is necessary at the request of the district, the employee shall participate in such testing and the district will pay for the testing at the facility designated by the district. The Associate Superintendent for Human Resources or designee will notify the employee of the employee's job status during the period of time necessary for fact-finding and determination of any possible further employment actions.
3. When individual employees have been diagnosed with a communicable or infectious disease, determination of whether they should be permitted to continue to be

employed in their assignment will be made by a review of each individual case. The Associate Superintendent for Human Resources or designee may enlist the help of the Health Care Response Team (HCRT) for a recommendation concerning possible employment actions. The Associate Superintendent for Human Resources or designee will consider the following factors in making a recommendation:

- a. The employee's work place and interaction with other persons.
 - b. The physical condition of the employee.
 - c. Whether the employee's condition substantially interferes with the performance of the essential job functions with or without reasonable accommodation.
 - d. Whether the employee poses a substantial possibility of harm to others.
4. Based upon the information available regarding the employee's health situation, the Associate Superintendent for Human Resources or designee may determine the following employment actions:
- a. Continue employment in the current or different assignment.
 - b. Use paid leave.
 - c. Afford reasonable accommodations as may permit the employee to perform essential job functions.
 - d. Recommend to the Board of Education:
 - 1) Leave of absence.
 - 2) Reduction in amount of employment.
 - 3) Termination.
 - 4) Any combination of the above
5. If the employee's employment status will be affected, appropriate due process procedures as required by law shall be followed.

An employee's refusal to work with a person with a communicable or infectious disease is not a valid excuse for failure to complete work responsibilities. However, no employee shall be required to work under any condition or perform tasks which unreasonably endangers the individual's health, safety, or well being. Knowledgeable professionals who can discuss the cause of diseases and transmission will be made available to employees with concerns.

This policy shall in all respects be applied consistent with the Americans with Disabilities Act, regulations of the Health and Human Services relating to communicable diseases and other federal and state laws.

Other Illnesses, Injuries or Conditions (Policy Regulation 4920.2)

Employees who have or suspect that they have a condition (including pregnancy), injury or disease affecting their ability to carry out the essential functions of their position shall so advise the Associate Superintendent for Human Resources or designee. Such information shall be treated as confidential and will not be divulged to other persons or sources except to the extent necessary to ensure a safe working and learning environment for the employee, other staff and students.

1. The Associate Superintendent for Human Resources or designee may require an employee to provide current or additional medical information.
2. The Associate Superintendent for Human Resources may determine that an additional medical evaluation is required.

3. The Associate Superintendent for Human Resources or designee will review the medical information and may enlist the help of the Health Care Response Team (HCRT) to determine the employment status.
 - a. Based upon the information available regarding the employee's health situation, the Associate Superintendent for Human Resources or designee may determine the following employment actions:
 - 1) Continue employment in the current or different assignment.
 - 2) Use paid leave.
 - 3) Afford reasonable accommodations as may permit the employee to perform essential job functions.
 - 4) Recommend to the Board of Education:
 - a) Leave of absence.
 - b) Reduction in amount of employment.
 - c) Termination.
 - d) Any combination of the above.
4. If the employee's employment status will be affected, appropriate due process procedures as required by law shall be followed.

Health Care Response Team (Policy Regulation 4920.3)

The purpose of the Health Care Response Team (HCRT) is to review information regarding employees' physical or mental conditions which negatively impact their ability to perform the essential functions and duties of the current assignment and provide a report to the Associate Superintendent for Human Resources.

The HCRT is composed of the Risk Management Specialist, the Americans with Disabilities Act (ADA) Coordinator, the appropriate Human Resources supervisor, and other members as deemed necessary by the Associate Superintendent for Human Resources or designee.

The Associate Superintendent for Human Resources or designee makes the determination of when it is necessary to convene all or part of the HCRT. The HCRT performs the following:

1. Review existing documentation.
2. Collect additional or new information.
3. Analyze information.
4. Confer with employee, supervisors and appropriate experts.
5. Evaluate the information provided compared to the essential functions and duties of the current assignment.
6. Provide summary information to the Associate Superintendent for Human Resources or designee regarding the employee's ability to perform the essential functions of the position with or without reasonable accommodations.

Emergency Medical Treatment (Policy Regulation 4920.4)

In the event an employee becomes ill at school, staff will assess the situation. If staff believes the symptoms and circumstances warrant, 911 will be called. If the staff members in the immediate vicinity of the ill employee are unable to or do not have the expertise to evaluate the condition of the ill employee, 911 should be called. The employee will not

have the option of declining 911. If 911 determines transport by ambulance is not necessary, staff should contact a family member of the ill employee to transport.

It is not recommended that staff transport employees to the hospital/doctor.

An employee returning to work from emergency medical treatment must provide a release to return to work. This form is entitled RM0036 – Release to Return to Work Health Care Response Team and is located in the LPS Form Center of the LPS website.

N. Public Health Emergencies (Policy 2501)

In the event of communicable disease outbreak, epidemic or other public health emergency or disaster, the Superintendent or his/her designee will determine the role and activities of the district in coordination with community planning by the local and state public health authorities. As needed, the superintendent may cancel extracurricular activities, close one or more school, designate facilities and personnel for purposes related to community response to epidemic and/or institute other measures as appropriate for the public safety and wellbeing.

III. GRIEVANCE PROCEDURE

A. Purpose

The purpose of this procedure is to provide a way for the Board of Education and administrators of education to reach solutions to problems, large and small, that may occur between them.

B. Definitions

1. **Grievance** — Grievance shall mean a claim by one or more administrators of a violation, a misapplication or a misinterpretation of a state statute, board policy, administrative directive or regulation under which such administrators work, specifying that which is claimed to be violated and the specifics of such violation. The term "grievance" shall not apply to any matter for which (1) the method of review is prescribed by law, or (2) the Board of Education is without authority to act.

Should an administrator have a claim based upon an event or condition which affects the administrator's welfare or morale, the administrator may utilize the informal step. If the alleged grievance is not satisfactorily resolved, the administrator shall have the right to use normal administrative channels to solve the problem.

2. **Days** — Days shall mean contract days exclusive of Saturday, Sunday, or official holidays.
3. **Immediate Supervisor** — Immediate supervisor is that employee possessing that degree of administrative authority next in rank above any grievant.
4. **Parties in Interest** — Any persons involved in processing the grievance.
5. **Board** — The Lincoln Board of Education

6. Administration — The Superintendent or his/her designated representative.

C. General Conditions

1. Compliance — Administrators of the school district will follow all verbal and written directives, even if they are in conflict with the provisions of applicable policy. Compliance with such directives will not in any way prejudice their right to file a grievance within the time limits contained herein, nor shall it affect the ultimate resolution of the grievance.
2. No Reprisals — The board shall use every means at its disposal to assure every administrator the unobstructed use of this grievance procedure without fear of reprisal or prejudice to his/her employment status.
3. Time Limits — Since it is important that a grievance be processed as rapidly as possible, the number of days indicated at each level shall be considered as a maximum, and every effort should be made to expedite the process. The time limit specified may, however, be extended by mutual written agreement of the grievant and the administrator at each step of the process.

If the grievance is filed which might not be finally resolved under the time limits set forth herein prior to the end of the year, and which if left unresolved until the beginning of the following school year could result in irreparable harm to a grievant, the time limit set forth herein will be reduced to the extent possible so that the grievance procedure may be concluded prior to the end of the school year, or as soon thereafter as is practicable.

4. Failure to Meet Time Limits — The failure of the aggrieved party to proceed to the first or any subsequent step of this grievance procedure within the time limits set forth shall be deemed as a waiver and release of any rights the aggrieved party has to such grievance or complaint and the aggrieved party shall be deemed to have elected not to file a grievance or to have accepted the response previously rendered, and such shall constitute a waiver of any future appeal or claim concerning the particular grievance or complaint. The failure of the administrator at any step to communicate his/her decision to the aggrieved party within the specified time limit shall permit the aggrieved party to proceed to the next step.
5. Communication — All communications concerning the grievance, after the grievance is formally submitted, shall be in writing.
6. Adjustments — No adjustment shall be made in any grievance which is in conflict with, or contrary to, the provisions of any policies, applicable laws, or administrative regulations.
7. Forms — Forms for filing grievances, serving notice, taking appeals, making reports and recommendations and all documents shall be mutually agreed upon by the parties. The standard procedure form may be requested from Human Resources.
8. Meetings — All meetings and hearings under this procedure shall be conducted in private and shall include only such parties of interest.

9. No interference — Grievances shall be processed in a manner which does not interfere with the administrator's work and the normal operation of the schools.
10. Withdrawal of a Grievance — The administrator may withdraw his/her grievance at any step of the procedure by indicating his/her acceptance of the last decision rendered.
11. Informal Resolution — The administrator may discuss the grievance or complaint with the immediate supervisor in an attempt to resolve the issue. This discussion shall not extend the time for filing a written grievance or complaint.

D. Procedure

Time Limits — All grievances must be initiated within twenty (20) contract days of the alleged occurrence.

Step One — If unsuccessful in an informal attempt with the immediate supervisor to resolve the issue, the aggrieved party shall reduce the grievance to writing on the approved forms and give or send a copy of the same to the immediate supervisor within the time limits. The immediate supervisor and the aggrieved party shall meet in an attempt to settle the dispute within five (5) contract days. A written answer must be given by the immediate supervisor within five (5) contract days after such meeting.

Step Two — If a satisfactory settlement is not reached in Step One, the aggrieved party may file the grievance in writing with the superintendent, within five (5) contract days from the date the party received or should have received a response at Step One. The superintendent shall conduct a hearing with the aggrieved party within five (5) contract days of receipt of the grievance. A written answer must be given by the superintendent within ten (10) contract days of the date the grievance was received if no hearing is held, or within ten (10) contract days of the date of the hearing.

Step Three — If a satisfactory settlement is not reached at Step Two, the aggrieved party may file the grievance in writing with the Board of Education within five (5) contract days of the date the party received or should have received a response at Step Two. The board or a committee thereof shall conduct a hearing with the aggrieved party within fifteen (15) contract days of receipt of the grievance. A written answer must be given by the board within twenty (20) contract days of the date it received the grievance. After the determination by the board, the parties may agree to binding arbitration under the rules of the American Arbitration Association. In the event both parties do not agree to arbitration, the decision by the Board of Education shall be final except proper redress may be sought through the courts should the employee so choose.

IV. State and Federal Programs

Notice of Nondiscrimination

Lincoln Public Schools does not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion, age or sexual orientation in admission or access to, or treatment of employment, in its programs and activities. The Coordinators listed in the following section have been designated to handle inquiries regarding complaints, grievance procedures or the application of these policies of nondiscrimination.

Local complaint or grievance procedures are provided for by the district and set forth in this handbook. If an employee does not feel that a complaint of nondiscrimination has been satisfactorily resolved at the school level, the employee may file a complaint with the appropriate federal or state agency. Complaints are to be filed with the regional Department of Education, Office for Civil Rights where the complaint relates to Title IX (discrimination, harassment or lack of equity based on gender), Title VI (discrimination or harassment based on race, color, or national origin) or Section 504 (discrimination, harassment or failure to accommodate a disability). Complaints are to be filed with the regional U.S. Equal Employment Opportunity Commission (EEOC) if the complaint relates to Title VII (discrimination or harassment based on race, color, gender, national origin, or religion), the Americans with Disabilities Act (discrimination, harassment or failure to accommodate a disability), or the Age Discrimination in Employment Act (discrimination based on age). The contact information for the OCR and the EEOC in this regard are:

Office for Civil Rights

8930 Ward Parkway
 Kansas City, MO 64114
 816-268-0550
 FAX: 816-823-1404; TDD: 800-437-0833

The U.S. Equal Employment Opportunity
 Commission (EEOC)

1801 L Street, N.W. Suite 2037
 Washington, D.C. 20507
 (800) 669-4000; TDD: (800) 669-6820

A publication provided by the federal government concerning rights of non-discrimination is attached as Appendix G to this handbook.

Designation of Coordinators

Any person having inquiries concerning the district's compliance with anti-discrimination laws or policies or other programs should contact or notify the following person(s) who are designated as the coordinator for such laws, policies or programs. The contact address for each coordinator is: Lincoln Public Schools, 5901 "O" Street, Lincoln, NE 68508. The telephone numbers are provided below.

Law, Policy or Program	Issue or Concern	Coordinator
Title VI	Discrimination or harassment based on race, color, or national origin; harassment	Terry Macholan—Equity Administrator—436-1650 (Students) Thomas Christie—Multicultural Administrator—436-1604 (Students) Employees should contact Dr. Nancy Biggs, Associate Superintendent for Human Resources—436-1575
Title IX	Discrimination or harassment based on sex; gender equity	Dr. Nancy Biggs, Title IX Officer and Associate Superintendent for Human Resources—436-1575
Section 504 of the Rehabilitation Act and	Discrimination, harassment or reasonable accommodations of	Marla Styles, ADA Coordinator—436-1579

the Americans with Disability Act (ADA)	persons with disabilities	Terry Macholan—504 Coordinator—436-1650
Homeless student laws	Children who are homeless	Terry Macholan—Homeless Coordinator—436-1650 (Students)
Safe and Drug Free Schools and Communities	Safe and drug free schools	Terry Macholan—Director of Student Services—436-1650

Anti-discrimination & Harassment Policy (Policy Regulation 4880.1)

Elimination of Discrimination

The Lincoln Public Schools hereby gives this statement of compliance and intent to comply with all state and federal laws prohibiting discrimination or harassment and requiring accommodations. This school district intends to take necessary measures to assure compliance with such laws against any prohibited form of discrimination or harassment or which require accommodations.

Preventing Harassment and Discrimination

All persons employed by or acting on behalf of Lincoln Public Schools are expected to:

- A. Demonstrate at all times a respect for others regardless of race, color, religion, gender, disability, handicap, age, sexual orientation, national origin, citizenship status, economic status or other personal attribute. Any verbal or physical conduct which unreasonably interferes with the person’s work performance or creates an intimidating work environment constitutes harassment or discrimination.
- B. Refrain from actions or the use of language, including ethnic or racial slurs, which is disparaging or demeaning to an individual’s appearance, ability, beliefs or other personal attributes.
- C. Refrain from unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. Sexual harassment may take many forms including, but not limited to:
 - 1. Verbal harassment or abuse including unwelcome sexually oriented communication;
 - 2. Subtle pressure or requests for sexual activity;
 - 3. Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another person's body;
 - 4. Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or student's status;
 - 5. Requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment or student status; or
 - 6. Sexual assault.
- D. Report any incident of harassment or discrimination of or by any employee, student or non-employee within or which affects the school environment.

Complaint and Grievance (Policy Regulation 4880.2)

All employees are responsible for helping to prevent discrimination or harassment. Employees who believe they have been subjected to, or believe they have witnessed discrimination or harassment should follow these procedures:

1. Directly inform the person engaging in the discrimination or harassment that such conduct is offensive and must stop.
2. Contact your principal or supervisor or the principal or supervisor of the offending person, or contact the Title IX Officer, the Associate Superintendent for Human Resources, if you do not wish to communicate directly with the person whose conduct is offensive or if direct communication with the offending person has been ineffective.
3. Report the matter to the Title IX Officer, the Associate Superintendent for Human Resources, if the offending conduct continues or has not been resolved to your satisfaction after you have reported the matter to a principal or supervisor.
4. Report to the principal or the supervisor of the school or to the Title IX Officer, the Associate Superintendent for Human Resources, if you are the adult to whom the student has made a report so that the matter can be properly resolved.

Allegations of harassment or discrimination shall be investigated and if substantiated, corrective or disciplinary action taken, up to and including dismissal from employment if the offender is an employee, or suspension and/or expulsion, if the offender is a student. Retaliatory action will not be taken against an employee for reporting discrimination or harassment.

The Discrimination/Harassment Complaint Form is contained in Appendix F.

Grievance Procedure for Persons with a Disability

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act address discrimination, harassment or failure to provide reasonable accommodations to persons with a disability. The following grievance procedure shall be used for resolution of complaints of alleged violations of the ADA or Section 504:

1. Complaints shall be filed with the ADA and Section 504 Coordinator. Complaints shall be made in writing, unless the Complainant's disability prevents such, in which event the Complaint can be made verbally.
2. Complaints shall set forth: (a) the name of the Complainant, (b) the address and telephone number or other such information sufficient to enable the Coordinator to contact the Complainant, (c) a brief description of the alleged violation, and (d) the relief requested by the Complainant.
3. Complaints shall be investigated by the Coordinator or the Coordinator's designee. Investigations shall be thorough, but informal, and the Complainant shall be given a full opportunity to submit evidence relevant to the complaint.
4. The Coordinator shall make a decision on the Complaint within thirty (30) days of the filing of the Complaint, unless such time period is extended by agreement of the Complainant. The decision shall be made in writing, shall set forth the Coordinator's proposed resolution of the Complaint, and shall be forwarded to the Complainant.
5. The Complainant shall have ten (10) days from the date the Coordinator's decision is sent to the Complainant to accept or reject the Coordinator's proposed resolution, and shall be

deemed to have accepted the proposed resolution unless the Complainant rejects the proposed resolution within such time period. In the event the complainant rejects the proposed resolution, the complainant shall be given the opportunity to file a request for reconsideration within the ten (10) days from the date the Coordinator's division is sent to the Complainant. The request for reconsideration shall be filed with the Coordinator. The Coordinator shall consider any additional information provided in the request for reconsideration and make a decision on the request for reconsideration within 10 (ten) days after the request for reconsideration was filed.

Confidentiality of Student Records (FERPA)

The Family Educational Rights and Privacy Act (FERPA) gives parents and students over 18 years of age rights of access and confidentiality with respect to education records. Employees are expected to provide access rights and maintain the confidentiality of education records in accordance with FERPA and Board policy. Employees may have access to only those education records in which they have a legitimate educational interest, unless the parent has given written and dated consent for the access. An employee who violates this restriction shall be subject to disciplinary action up to and including termination. Further information about FERPA and the district's policies under FERPA are found in Board policy and in the student handbook.

Disclosure of Student Information to Military Recruiters and Colleges

The No Child Left Behind Act requires the district to provide military recruiters and institutions of higher education access to secondary school students' names, addresses, and telephone listings. Parents and secondary students have the right to request that the school not provide this information (i.e., not provide the student's name, address, and telephone listing) to military recruiters or institutions of higher education, without their prior written consent.

All requests for student information from recruiters and institutions of higher learning are to be referred to the building principal.

Disclosure of Staff Qualifications (Policy Regulation 4330.2)

The No Child Left Behind Act gives parents/guardians the right to get information about the professional qualifications of their child's classroom teachers. The district designates the following information as "directory information" and will give parents/guardians such information upon request:

1. Whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under an emergency or provisional teaching certificate.
3. The baccalaureate degree major of the teacher, along with information about other graduate certification or degrees held by the teacher, and the field of discipline of the certification or degree.
4. Whether the parent/guardian's child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who does not meet the requirements of the NCLB.

Student Privacy Protection

The No Child Left Behind Act requires the district to protect the privacy of students. Further information about student privacy and the district's policies with regard to student privacy are

found in Board policy and in the student handbook. In general, employees are expected to comply with these provisions of the NCLB and related Board policy, as follows:

1. Student surveys (Policy Regulation 6620.1 and Policy Regulation 6621.1)

The Director of Evaluation will be responsible for reviewing and approving requests to conduct external research in the Lincoln Public Schools. A Lincoln Public Schools Research Review Committee will be established to assist in the review process. The purpose of the review is to insure that external research proposals do not unduly interfere with instruction and that the rights of students, parents and staff are adequately protected. In the review process, priority will be given to research that is of interest to Lincoln Public Schools staff or that has direct application for the improvement of educational practice. Based on the review the proposal will either be approved or disapproved.

External research is defined as research being conducted by individuals or by institutions other than the Lincoln Public Schools or Educational Service Unit 18 on behalf of the Lincoln Public Schools. Research conducted by district employees as part of their job responsibilities is considered to be district research and is not covered by this policy. However, research conducted by employees to meet course or graduation requirements of an institution of higher education is classified as external research.

Participation in research is defined as using instructional time on research-related activities including the collection of data; providing information about Lincoln Public Schools students, the district or a school; and the completion of surveys distributed through school channels and interviews conducted during the school day. It does not include the completion of surveys received through the U.S. mail by individual teachers or administrators, or interviews conducted after normal school hours.

Participation of schools and individual staff in approved external research is voluntary. The building principal can decide whether or not his/her building and staff will participate in an approved external research project.

Requests to conduct research in the Lincoln Public Schools must be submitted in writing to the Director of Evaluation at least 30 days before the study is scheduled to begin. The request must include (1) the name, address, telephone number, agency affiliation (if there is one) and signature of the primary investigator(s); (2) a brief description of the study that addresses objectives, rationale, procedures, and timelines; (3) detailed information on what is expected of the Lincoln Public Schools; (4) copies of all data collection instruments, parent/guardian/participant consent forms, and materials to be used with students.

Prior written consent of a parent or legal guardian will be required for student surveys, evaluations, questionnaires, opinionnaires, interviews or other assessments which include one or more questions regarding, or which may reveal information concerning:

- a. political affiliation
- b. mental and psychological problems potentially embarrassing to the student or his/her family
- c. sex behavior or attitudes
- d. illegal, anti-social, self-incriminating and demeaning behavior
- e. critical appraisals of other individuals with whom the student has close family relationships

- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
- g. income

Parents/guardians and students shall be given notice of their right to not participate in such research studies in the consent forms and annually in the same manner parents/guardians and students are informed of rights under the Family Educational Rights and Privacy Act.

Prior written consent of a parent or legal guardian will also be required for any research in which confidentiality cannot be guaranteed.

All surveys, assessments and other data collection instruments shall be made available to parents and legal guardians for review prior to their use with students. The instruments will also be available for review for a reasonable period of time following their use with students. The researcher shall be required to make the instruments available to parents and legal guardians upon the school's request.

- 2. Instructional materials—permit parents upon reasonable request to inspect any instructional material used as part of the educational curriculum for their child. The term “instructional materials” does not include academic tests or academic assessments for purposes of this parent inspection requirement. If you receive such a request, direct the parent to contact your building principal and also inform the building principal yourself about the request to get instructions.
- 3. Collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information—the district policy is to not gather such information for such purposes.

Parental Involvement (Policy 6443 and Policy Regulation 6443.1)

General - Parental/Community Involvement in Schools

Lincoln Public Schools welcomes parental involvement in the education of their children. We recognize that parental involvement increases student success. It is Lincoln Public Schools' policy to foster and facilitate, to the extent appropriate and in their primary language, parental information about, and involvement in, the education of their children. Policies and regulations are established to protect the emotional, physical and social well-being of all students.

- A. Parental involvement is a part of the ongoing and timely planning, review and improvement of district and building programs.
- B. Parents are encouraged to support the implementation of district policies and regulations.
- C. Parents are encouraged to monitor their student's progress by reviewing quarterly report cards and attending parent-teacher conferences.
- D. Textbooks, tests and other curriculum materials used in the district are available for review by parents upon request.
- E. Parents are provided access to records of students according to law and school policy.
- F. Parents are encouraged to attend courses, assemblies, counseling sessions and other instructional activities with prior approval of the proper teacher or counselor and administrator. Parents' continued attendance at such activities will be based on the students' well-being.
- G. Testing occurs in this school district as determined to be appropriate by district staff to assure proper measurement of educational progress and achievement.

- H. Parents submitting written requests to have their student excused from testing, classroom instruction and other school experiences will be granted that request when possible and educationally appropriate. Requests should be submitted to the proper teacher or administrator within a reasonable time prior to the testing, classroom instruction or other school experience and should be accompanied by a written explanation for the request. A plan for an acceptable alternative shall be approved by the proper teacher and administrator prior to, or as a part of, the granting of any parent request.
- I. Participation in surveys of students occurs in this district when determined appropriate by district staff for educational purposes. Parents will be notified prior to the administration of surveys in accordance with district policy. Timely written parental requests to remove students from such surveys will be granted in accordance with district policy (6620, 6620.1, 6621, 6621.1). In some cases (see regulation 6621.1), parent permission must be given before the survey is administered.
- J. Parents are invited to express their concerns, share their ideas and advocate for their children's education with board members, administrators and staff.
- K. School district staff and parents will participate in an annual evaluation and revision, if needed, of the content and effectiveness of the parental involvement policy.

It is also the policy of Lincoln Public Schools to implement programs, activities and procedures for the involvement of parents in Title I programs consistent with the Title I laws, as amended by the No Child Left Behind Act of 2001. Such programs, activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

Parental Involvement in Title I Programs

The policies set forth in this regulation apply to parents of students in Title I programs and have been established in order to implement programs, activities and procedures for the involvement of parents in Title I programs consistent with the Title I laws, as amended by the No Child Left Behind Act of 2001.

Expectations for Parental Involvement

It is the expectation of Lincoln Public Schools that parents of participating children will have opportunities available for parental involvement in the programs, activities and procedures of the district's Title I program. The term "parental involvement" means the participation of parents in regular, two-way and meaningful communication involving student academic learning and other school activities, including ensuring (A) that parents play an integral role in assisting their child's learning; (B) that parents are encouraged to be actively involved in their child's education at school; (C) that parents are full partners in their child's education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and (D) the carrying out of other activities, such as those described in this parental involvement policy. The district intends to meet this expectation through the following activities:

- A. Involving parents in the joint development of the district's Title I plan and the processes of school review and school improvement.
- B. Providing coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.
- C. Building the schools' and parents' capacity for strong parental involvement.
- D. Coordinating and integrating parental involvement strategies under Title I with parental involvement strategies under other programs.
- E. Conducting, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the

schools served under the Title I program, including identifying barriers to greater participation by parents in Title I programs, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority background, and use the findings of such evaluation to design strategies for more effective parental involvement and to revise, if necessary, the parental involvement policies of the district.

- F. Involving parents in the activities of the schools served under Title I.

Homeless Students (Policy Regulation 5110.6)

The No Child Left Behind Act requires that homeless students not be stigmatized or segregated on the basis of their status as homeless. Homeless children generally include children who lack a fixed, regular, and adequate nighttime residence. The Homeless Coordinator should be contacted for questions relating to a homeless student.

Breakfast and Lunch Programs

The district participates in the National School Lunch Program. Employees are expected to keep information about the participation of students in the free and reduced lunch program confidential.

Confidentiality of Protected Health Information

It is the policy of the district to develop and implement all necessary practices, policies, and procedures to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) where and to the extent applicable and to maintain the privacy of protected health information (PHI), as that term is defined by HIPAA, that it receives, obtains, or transmits for employees and students. The district designates the Benefits Specialist as its HIPAA privacy officer. Student and employee records containing PHI shall be accessible only to those who require such information to carry out their duties.

APPENDIX A

Salary Ranges

Notes about the 2008-2009 and 2009-2010 salary ranges and fringe benefits:

- Please refer to Page 25 concerning the district's contributions toward health insurance.
- Each full-time administrator will receive \$2,909 salary increase in 2008-2009 and a 3.2% increase in 2009-2010, exclusive of any longevity pay. The salary schedule also includes a listing of the administrative positions assigned to each level of the 2008-2009 and 2009-2010 salary ranges.
- Administrators are eligible for a long-service increment of \$2500, \$3250 or \$4000 depending upon length of Lincoln Public Schools administrative service (see Appendix A). Eligibility begins in the fiscal year following the completion of the number of years of continuous LPS service as an administrator. An approved leave of absence does not cause a break in continuous service, but the time away from work during the leave of absence does not count as credited work experience. If an employee's first workday with the school district is prior to October 1, that year will count as a year of service toward eligibility for the long service increment.
- In the event that either levy election, judicial action, legislative action, or the petition process results in changes in the constitution or current statutes changing the funding available to Lincoln Public Schools, either the administrative group or the district may reopen the meet-and-confer process for the purposes of modifying the salary and fringe benefits.

APPENDIX A
Lincoln Public Schools
Administrator Salary Ranges by Position
2008-2009 and 2009-2010

No. Days	Level	Title	2008-09 Range	2009-10 Range
210	1	Assistant Principal, Elementary	70,470-93,664	72,225-96,661
220	2	Athletic Director	74,812-99,364	76,706-102,543
260		Director, Nutrition Services		
260		Administrative Assistant, Student Services		
260		Supervisor, Health Services		
260		Supervisor, Federal Programs		
220	3	Associate Principal, Secondary School	76,255-101,258	78,195-104,498
220		Supervisor, Behavioral Skills Program		
260	4	Assessment Specialist (ESU#18)	77,684-103,134	79,670-106,434
260		Supervisor, Lancaster County Youth Services Center (ESU #18)		
260	5	Supervisor, Secondary Personnel Services	79,116-105,431	81,148-108,805
260		Supervisor, Elementary Personnel Services		
260		Supervisor, Employee Relations		
260		Director, Security		
260		Principal, Elementary		
260		Curriculum Specialist		
260		Multicultural School Community Administrator		
260		Human Resources Recruiter		
260	6	Supervisor, Gifted	80,595-106,954	82,674-110,376
260		Director, Purchasing		
260		Director, Media Services		
260		Director, Technology		
260		Director, Finance		
260		Supervisor, Music		
260		Principal, Bryan Center		
260		Assistant Director, Special Education		
260		Supervisor, Special Education (SLP, EC, BD, HI)		
260	7	Principal, Middle School	82,039-108,848	84,164-112,331
260		Director, Federal Programs		
260		Director, Evaluation (ESU #18)		
260	8	Director, Facilities	83,491-110,756	85,663-114,300
260		Director, Operations		
260	9	Director, Fiscal Services and Planning	84,935-112,651	87,153-116,256
260	10	Director, Student Services	86,384-114,554	88,648-118,220
260		Director, Special Education		
260		Director, School Improvement		
260	11	Director, Curriculum and Professional Development	87,829-116,446	90,140-120,173
260	12	Principal, High School	89,276-118,348	91,633-122,135
260	13	Director, Elementary Education	120,000-130,000	125,000-135,000
260		Director, Secondary Education		
Long Service Increment				
		Years of Service	Amount	
		12 – 14	2,500	
		15 – 17	3,250	
		18+	4,000	

APPENDIX B

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



APPENDIX C

Election of Federal Continuation of Coverage (COBRA)

Within 14 days after notice of a qualifying event is received, federal law requires Lincoln Public School (LPS) to send you or your dependents written notice of the right to continue health, dental and/or vision insurance if enrolled in one or more of these plans through LPS. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law.

Qualifying events are:

- A reduction in your work hours which causes you to be ineligible;
- Termination of your employment;
- You are discharged from your job for misconduct (other than gross misconduct);
- Your death;
- Your covered child loses dependent status;
- Your covered spouse and children lose coverage due to divorce or separation; or
- Your covered spouse and children lose coverage as the result of you becoming entitled to Medicare.

In the case of a divorce or legal separation, or if a child loses dependent status, you must notify LPS of this qualifying event within 60 days after the later of the event or the date the coverage would be lost. You or your covered dependent(s) must make written request to continue insurance by no later than 60 days after the day group insurance would otherwise end, or 60 days after the notice is sent by LPS.

Continued coverage may only begin on the day after group insurance under the policy would otherwise end. You or your dependents must pay the required premium, including any retroactive premium, from the day the coverage would have otherwise ended. The premium must be paid within 45 days after the day continued coverage is elected. Succeeding premiums must be paid within 30 days of the premium due date. LPS will initially inform you or your dependents of the monthly premium to be paid and where such premium shall be paid.

An insured person's continued insurance will end at midnight on the earliest of:

- The day LPS ceases to provide the group insurance to any employee;
- The day the premium is due and unpaid;
- The day an insured person first becomes covered under any other group plan (after the COBRA election), which does not exclude or limit any pre-existing conditions or to whom such an exclusion is not applicable due to creditable coverage;
- The day an insured person again becomes covered as an employee or dependent under the policy;
- The day the continued insurance is converted to conversion coverage;
- The day an insured person becomes entitled to benefits under Medicare; or
- The day insurance has been continued for the maximum period of time allowed which is 18 months, 29 months (in the case of a disability as determined by the Social Security Administration) or 36 months.

COBRA law requires that you be afforded the opportunity to maintain continuation coverage for 18 months in the case of termination of employment or reduction in hours. Otherwise the continuation coverage is for 36 months. In the event more than one continuation provision applies, the periods of continued coverage may run concurrently, but never for more than 36 months.

Following the end of the continuation of coverage period, conversion privileges to a non-group contract may be available for health coverage.

If you have any questions about COBRA, have a change in marital or family status, or if a child loses dependent status, please contact the Human Resources Benefits Department as soon as possible, 436-1593.

APPENDIX D

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

Public Law 104-191 (H.R. 31030); August 21, 1996

SEC. 2741. GUARANTEED AVAILABILITY OF INDIVIDUAL HEALTH INSURANCE COVERAGE TO CERTAIN INDIVIDUALS WITH PRIOR GROUP COVERAGE

- (a) **GUARANTEED AVAILABILITY** —
- (1) **IN GENERAL** — Subject to the succeeding subsections of this section and section 2744, each health insurance issuer that offers health insurance coverage (as defined in section 2791(b)(1) in the individual market in a State may not, with respect to an eligible individual (as defined in subsection (b)) desiring to enroll in individual health insurance coverage
 - (A) decline to offer such coverage to, or deny enrollment of, such individual; or
 - (B) impose any preexisting condition exclusion (as defined in section 2701(b)(a)(A)) with respect to such coverage.
 - (2) **SUBSTITUTION BY STATE OF ACCEPTABLE ALTERNATIVE MECHANISM** — The requirement of paragraph (1) shall not apply to health insurance coverage offered in the individual market in a State in which the State is implementing an acceptable alternative mechanism under section 2744.
- (b) **ELIGIBLE INDIVIDUALS DEFINED** — In this part, the term “eligible individual” means an individual —
- (1)
 - (A) for whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage (as defined in section 2701(c)) is 18 or more months and
 - (B) whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan (or health insurance coverage offered in connection with any such plan);
 - (2) who is not eligible for coverage under (A) a group health plan, (B) part A or part B of title XVIII of the Social Security Act, or (C) a State plan under title XIX of such Act (or any successor program), and does not have other health insurance coverage;
 - (3) with respect to whom the most recent coverage within the coverage period described in paragraph (1)(A) was not terminated based on a factor described in paragraph (1) or (2) of section 2712(b) (relating to nonpayment of premiums or fraud);
 - (4) if the individual had been offered the option of continuation of coverage under COBRA continuation provision or under a similar State program, who elected such coverage; and
 - (5) who, if the individual selected such continuation coverage, has exhausted such continuation coverage under such provision or program.

NOTE: Certificated employees who have questions about this law should direct their questions to Employee Benefits Office in Human Resources, 436-1593.

APPENDIX E

2009-2010 LINCOLN PUBLIC SCHOOLS 260 DAY CALENDAR

SEPTEMBER 22

S	M	T	W	T	F	S
		1	2	3	4	5
6	⑦	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MARCH 23

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

KEY

- = Paid Holiday
- = Non-Paid Holiday

OCTOBER 22

S	M	T	W	T	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL 21

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

IMPORTANT DATES

- September 7..... Labor Day
- November 26-27..... Thanksgiving
- December 24-25..... Winter Break
- December 31-January 1..... New Years
- January 18..... Martin Luther King, Jr. Day
- April 2..... Spring Holiday
- May 31..... Memorial Day
- July 5..... Independence Day

NOVEMBER 21

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	②⑥	②⑦	28
29	30					

MAY 21

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	③					

DECEMBER 23

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	④	⑤	26
27	28	29	30	⑥		

JUNE 22

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JANUARY 21

S	M	T	W	T	F	S
						① 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	⑧	19	20	21	22	23
24	25	26	27	28	29	30
31						

JULY 22

S	M	T	W	T	F	S
			1	2	3	
4	⑤	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY 20

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

AUGUST 22

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APPENDIX F
DISCRIMINATION/HARASSMENT COMPLAINT FORM

Department of Human Resources
Lincoln Public Schools

Name

Home Phone

Street Address

City, State & Zip Code

Department/Location

Job Title

Please check all areas that apply to your reason for submitting this complaint:

Discrimination based on:

I am being harassed by:

Race

A co-worker

Sex

My supervisor

National Origin

Other _____

Age

Color

Disability

(Please also complete and attach the ADA Complaint Form available through the Human Resources Office.)

Religion

Other (Specify) _____

Date(s) that discrimination took place _____

Give the name(s) of the person(s) against whom you are complaining: _____

Relief requested: _____

Where I may be contacted: _____

Others who may have information about my complaint (witnesses) and where they may be contacted:

Please state the nature of your complaint. Please attach extra sheets where you provide date(s) and time(s) of incident(s) where possible. _____

I have received and understand the District's Anti-Harassment and Discrimination Policies. I state that the above information is all true and accurate and I consent to the complaint being investigated.

Signature _____ Date _____

APPENDIX G

Equal Employment Opportunity is THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA, SPECIAL DISABLED, RECENTLY SEPARATED, AND OTHER PROTECTED VETERANS

38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans, qualified special disabled veterans, recently separated veterans, and other protected veterans.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor; 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 693-0101, or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you should contact immediately:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 669-6820.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Sections 501, 504 and 505 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

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