

# Lincoln Public Schools



## Hourly Employee Handbook

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# Hourly Employee Handbook

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## I. Introduction

It is the purpose of this handbook to provide LPS hourly employees with a ready resource which gathers together pertinent information, policies, and patterns of practice related to their work. This is done in the belief that staff morale improves when everyone understands the relationship of his/her work to the total organization and knows of his/her own rights and responsibilities.

This handbook must necessarily state policies as they exist at the time of publication. All policies are subject to change by the Board of Education. This handbook is not to be construed as a contract of employment. General terms and conditions of employment for hourly personnel are found in this handbook. No employee of the school district has the authority to promise any other term or condition of employment (expressed or implied) not found in these two documents.

It is essential that all hourly employees be thoroughly acquainted with this handbook and refer to it frequently. Another good source of district information and links to other useful sites is 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.

## II. Employee Groups (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.

## III. Employment

### A. 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.

### B. Resignation and Termination

Employees are expected to give two weeks notice to Human Resources prior to resignation.

Nothing in board policy, administrative regulations or practices, or in any evaluation instrument or in the appraisal process or program for hourly staff shall or is intended to create or be a contract or part of a contract or the contractual agreement between the school district and hourly staff. The

school district reserves the right to modify, delete or add to any such items without notice and reserves the right to terminate hourly staff at any time without cause. All hourly staff are at will employees. All hourly staff may be terminated at any time without cause, without prior disciplinary action, or without progressive discipline, and irrespective of the lack of any formal or informal evaluation or any irregularity in an evaluation instrument or in any aspect of the evaluation process and irrespective of the contents or scores on or of any evaluation. No administrator or other employee of the school district has any authority to enter into any agreement of employment with hourly staff for any specific period of time or to make any agreement contrary to the foregoing.

**C. Employment of Family Members**

There are state statutes and board policies specifying the procedures necessary for a supervisor to hire a family member. If you were hired by a family member, please contact Human Resources to make sure the proper documentation has been completed.

**IV. Conditions of Work**

**A. Work Schedule (Policy 4740)**

Working hours vary according to the specific job classification and the needs of the district. Hours for part-time employees are determined by the supervisor.

Regular, dependable attendance is an essential function of each employee's position.

In the event of a school or community emergency, employees are expected to remain on duty as assigned, unless notified otherwise by their supervisor.

**B. Personnel Records (Policy 4330)**

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.

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.

**C. Change of Address/Name/Phone**

Employees should notify the Payroll Department of any change in name. Name changes must be in writing, and, in order to implement the name change, the employee must provide a social

security card with the new name on it. Name change forms are available in the Payroll Templates folder in DocuShare, in the school offices or from the Payroll Department.

Address/phone number changes should be completed by the employee via the Information Center for Employees which is located on the District website, [www.lps.org](http://www.lps.org).

**D. Travel Reimbursement (Policy 4650) and Use of Personal Vehicles to Transport Students**

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.

Employees are not required to use their personal vehicles to transport students and are discouraged from this practice. Employees who volunteer to use their personal automobile to transport students must have a valid driver's license and proof of insurance. If you transport students in your personal vehicle, you are responsible for any injury or accident. All passengers must wear seat belts.

If you plan to transport students in your vehicle, you must first submit the form contained in Human Resources Bulletin #5 located within the district web page.

Rules and information about the use of district-owned vehicles are found in Appendix E.

**E. Physical or Mental Impairment**

Any employee who feels they have a physical or mental impairment, which requires a work accommodation, is to contact the American with Disabilities (ADA) Coordinator at 436-1579. You will schedule an accommodation plan meeting to discuss if you have a disability as defined by American with Disabilities Act, and what, if any, accommodations are available. It is the employee's responsibility to provide medical documentation concerning the impairment.

**F. Use of Technology Resources and Internet**

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.

### **G. Use of Internet-Based Social Media**

Within the last few years, the opportunities to interact through internet-based social media (Facebook, MySpace, etc.) have increased dramatically. Due to the explosion of this new media, it is impossible to formulate one rule relating to staff usage of this technology. Policy 6441 prohibits the use of any social media that adversely affects or otherwise interferes with school purposes as determined in the sole discretion of the district.

A popular way for friends to communicate is to “friend” each other in a Facebook or similar web sites. Due to the many possible negative ramifications, LPS employees should not be “friends” with students within social media.

Remember that students, parents and community members may use a search engine, such as Google, to glean information concerning you and your personal life. Personal information (photos, videos, posts on blogs, etc.) contained on the internet may affect your ability to do your job

effectively. Before posting anything to the internet, think carefully about all of the possible audiences viewing the information.

For an in-depth analysis of the proper usage of internet-based social media, click [here](#).

**H. 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.

**H. 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.

**V. Classification/Salary Information**

**A. Job Classification/Transfers (Policy Regulation 4300.2)**

Lincoln Public Schools hourly staff members are grouped by job classification and salary allocation. Job descriptions are on file in the Human Resources Office and are updated periodically as needed.

The Human Resources Division may publish hourly vacancies online through School Recruiter. You may view the current job postings at <https://lpsrecruiting.lps.org/>.

Transfers or promotions of personnel are made by the Associate Superintendent for Human Resources and the Board of Education. Staff may request a transfer to an assignment following established procedures and practices. In order to be considered for the position, staff must meet the minimum requirements for the position and be able to perform the essential functions of the position with or without reasonable accommodations. Transfers may be made administratively by the Human Resources Division. With Human Resources approval, supervisors may change assignments within a building or department for similar positions.

The supervisor of the vacant position and the Associate Superintendent for Human Resources shall determine whether the employee meets the qualifications.

**B. Salary Schedule and Method of Payment**

Appendix A includes the pay dates for those employees who work the entire school year. Pay dates are also on the district website.

All employees are required to have automatic deposit of their paycheck to financial institutions that will accept ACH deposits. The deposit will occur on payday (Appendix A). For automatic deposit, employees must complete an authorization form available from Payroll or in the buildings.

**C. 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.

Non-exempt employees must receive prior approval from their supervisor to work additional hours beyond their regular work schedule. Non-exempt employees must be paid for each hour worked in excess of 40 hours in a workweek. The regular workweek is from 12:00 a.m. on Monday through 11:59 p.m. on Sunday.

Overtime pay for non-exempt employees will be paid at the rate of not less than 1½ times the employee's regular rate of pay for all hours worked in excess of the maximum workweek. Employees with two or more non-exempt positions may be eligible for overtime pay based upon the total number of hours worked in one workweek. Human Resources will determine if overtime pay is applicable. If applicable, the employee and a Human Resources representative will agree upon the overtime rate, in compliance with FLSA regulations.

The employee may request compensatory time in lieu of overtime pay, with approval of the employer, with the rate figured as 1½ times the number of hours worked in excess of 40 hours in any work week. Compensatory time may be accumulated up to 40 hours upon approval by their supervisor. Any accumulation of compensatory time over 40 hours must be approved by Human Resources. FLSA limits the accumulation of compensatory time to 240 hours.

Exempt employees are not eligible for overtime or compensatory time according to the 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.

In addition, based on principles of public accountancy, deductions from pay of a partial day or of a full day or more will be made for absences for illness, injury or personal reasons when accrued leave is not used or not available, and for absences due to any budget-required furlough.

A publication provided by the federal government which provides more information about the FLSA is attached as Appendix F to this handbook.

**VI. Employee Safety and Security**

**A. Occupational Blood Exposure Procedure**

The district health services and the Risk Management Office have developed an employee blood exposure procedure for the district. If you have not received a brochure containing information concerning the district's exposure control plan, please contact your health office or the district Health Services. Employees should read and follow the procedures contained within the brochure.

**B. 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.

1. 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.
2. 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.
3. 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.
4. 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, non-renewal, cancellation, or and termination of employment.
5. Employee shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.
6. 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.

**C. 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.

Employees are expected to inform persons smoking on school property that they are in violation of district policy.

**D. LPS Workers' Compensation Safety Committee and Injury Prevention Program** (Policy Regulation 4670.3)

Board of Education Regulation 4670.3 sets up the Safety Committee and Injury Prevention Program as directed by LB 757 passed during the 1993 legislative session.

LPS has a district workers' compensation 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.

#### **E. 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).

#### **F. Student Interactions**

##### Contact the Office for Assistance

The office administration should be contacted immediately when a situation exists which could cause injury to students or others. Examples include:

- student fight
- student health problem (fainting, bleeding, high temperature, difficulty breathing, etc.); if the office can not be immediately located, call 911 if the problem appears to be of immediate and serious concern
- a report or a suspicion that a student has a weapon or other dangerous item or drugs, alcohol, or other illegal substances
- presence of an intruder (a non-student or staff member who refuses to go to the office)

Violations of student rules which are also violations of state law are required to be reported to law enforcement. Make a report of such conduct to the Principal so this law may be followed.

##### Student Searches

Office administration and the student's teacher should be contacted in the event a search of a student or their belongings is needed to be done. Do not conduct such a search yourself without a teacher or administrator being present or having given you clear directions. You may direct a student suspected of having an item in violation of school rules to wait with you until another adult is present, or to follow you to the office if you can leave your assigned area without causing risk of harm to others. Do not use physical force to detain the student or to make the student accompany you except as reasonably necessary to protect the student or others.

### Student Rights

Students should be treated fairly and given the same treatment without consideration of race, color, religion, gender, or disability. Students who need special accommodations should be given those accommodations as needed for them to participate in school and school activities. Further, students have the right to have their school records kept confidential. Such information should be shared only with other school staff with a need to know the information to perform their duties.

### Dispensing Medications

Employees are not permitted to give any medication to students unless trained under the Medication Aid Act. Students who need to take prescription or over-the-counter medicine must have a signed parent release form on file in the office. Student medications are to be properly labeled, stored in the office, and taken in the presence of the office staff, the nurse, or medication aide. Medical procedures are not to be administered in the classroom except in accordance with the district's Safety and Security Management Plan and the district's Emergency Protocol (asthma/anaphylaxis protocol). Be careful to keep your own medications secure and away from children.

### Reporting Child Abuse

Nebraska State Law and school policy mandates school officials to make a report to the proper law enforcement agency or the Department of Health and Human Services (Child Protective Services) when there is reasonable cause to believe that a child has been abused or neglected, or a child is in a situation which would reasonably result in abuse or neglect. According to Nebraska State Law, abuse or neglect means 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 years 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.

Employees are to inform their principal or supervisor in the event they become aware of child abuse or neglect. Be as specific as possible with what, when, and where you observed the abuse or neglect and anything which you may have heard said by the student or others. It is vital that your report to school officials be made as accurately and as soon as possible. Timeliness in making a report will assist in minimizing further risk to the child

Do not talk about the matter directly with the parent or others, as that may violate confidentiality restrictions, affect the ability of authorities to investigate, create problems with relationships and create legal problems. The school administration will consider your information, conduct any further investigation needed to justify a report, and determine whether a report of child abuse or neglect is to be made. If the person who you have reported to does not make a report to the police or Child Protective Services, and you feel a report should be made, report the matter directly to the Superintendent.

## **G. 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.

#### **H. Standards for Hourly 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.

#### **I. 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.

**J. 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.

**K. 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.

**L. 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 the 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.

**M. 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.

**N. 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.

**O. 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.

**P. Academic Freedom** (Policy 4860)

Academic freedom shall be accorded to staff members, subject to the requirement that the staff member performs the assigned duties and, in the case of instructional staff, teaches the assigned curriculum using district-approved materials and research-based techniques.

When issues are presented, staff members will make an effort to effect a balance of biases, divergent points of view, and provide an opportunity for exploration by the students into various sides of the issue(s).

The staff member will encourage students to express their own views, assuring that it be done in a manner that gives due respect to one another's rights and opinions.

Staff members will respect positions other than their own.

Students will be encouraged, through class discussions and independent inquiry, to reach their own conclusions regarding controversial issues

**Q. 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.

**R. Alcohol and Drug Testing** (Policy Regulation 4900.2)

Employees in "safety-sensitive" positions, as defined by the Omnibus Transportation Employee Testing Act of 1991 and regulations promulgated thereunder, including employees whose position requires a commercial driver's license (CDL), will be tested for alcohol and controlled substances as required by law at the facility designated by the district. Refusal to submit to such pre-employment testing or testing positive, shall disqualify an applicant from employment. Reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing shall also be conducted. Employees who test positive shall be immediately removed from safety-sensitive positions and will be terminated.

**S. Employee 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.

**T. Employee Health Issues** (Policy 4920, Policy Regulation 4920.1, and Policy Regulation 4920.2)

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 and Infectious Diseases

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. Afford reasonable accommodations as may permit the employee to perform essential job functions.
  - c. Recommend to the Board of Education:
    - 1) Reduction in amount of employment.
    - 2) Termination.
    - 3) 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**

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) Afford reasonable accommodations as may permit the employee to perform essential job functions.
    - 3) Recommend to the Board of Education:
      - a) Reduction in amount of employment.
      - b) Termination.
      - c) 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.

### **U. 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 Director of Risk Management, 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.

**V. Use of School Facilities**

Employees who are issued keys to the school are expected to not lose their keys and to not allow others to have access to or to use their keys. Employees are permitted to have access to school facilities during non-school time provided your Principal or supervisor has given permission and such access is for work-related purposes. When employees leave the building, they are to close all windows, lock doors, and make sure that the entry door is fully closed and locked. This is especially important when employees are using the school facilities prior to the beginning of the school year and during any weekend or evening usage.

School property is to be used for approved work-related purposes and not for personal purposes or for personal gain or benefit. Use of school supplies (paper, staples, etc.), school equipment (copiers, fax machines, telephones, etc.), and school postage is to be used for approved school-related purposes only. Excess or surplus supplies or equipment, including items which have been placed in the trash, should not be removed for non-school use without approval from the administration.

**W. Security of Desks and Lockers**

Offices, employee 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 to 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 an employee 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 employees may bring to school. Employees are cautioned not to bring large amounts of money or items of significant value to school.

**X. Video Surveillance**

Notice is hereby given that video surveillance may occur on District property. In the event a video surveillance recording captures a 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 against the employee or other building user and may also be provided to law enforcement agencies.

**Y. Copyright and Fair Use Policy**

It is the school's policy to follow the federal copyright law. Employees are reminded that, when using school equipment, they also must follow the federal copyright laws. The federal copyright law governs the reproduction of works of authorship. Copyrighted works are protected regardless of the medium in which they are created or reproduced; thus, copyright extends to digital works and works transformed into a digital format. Copyrighted works are not limited to those that bear a copyright notice.

The “fair use” doctrine allows limited reproduction of copyrighted works for educational and research purposes. The relevant portion of the copyright statute provides that the “fair use” of a copyrighted work, including reproduction “for purposes such as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” is not an infringement of copyright. The law lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted “fair use,” rather than an infringement of the copyright:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and
- the effect of the use upon the potential market for or value of the copyrighted work.

Although all of these factors will be considered, the last factor is the most important in determining whether a particular use is “fair.” Employees should seek assistance from their immediate supervisor or the Principal if there are any questions regarding what may be copied.

## **Z. 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.

## **AA. 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 schools, 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.

## **VII. 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, and agreements with employee groups

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 emergence or any situation in which one 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.

The expectation is that employees will not abuse these leaves and will only use them when necessary. Abuse of leave privileges as determined by the employee's supervisor will be subject to discipline, up to and including termination. Employees are expected to make appointments outside of work hours whenever possible.

**Reporting Absences** - Each employee is required to make written application for leave from duty in advance of each period of absence, except in the case of sick leave or death in the family. In either of those two cases, you are required to report to your immediate supervisor, as soon as possible, that you will be unable to be at work. You should provide specific, truthful reason for your inability to be at work. You should use this same procedure in the event you will, for some reason, be tardy for work.

### **Health Related Absences**

Leave for health reasons will be provided in compliance with state and federal laws, including Family Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA).

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.

Employees who are injured while working for LPS need to go to their respective health office and report the injury. The health office staff will assist them in completing the necessary paperwork and giving them information on the process and procedures. In addition, staff can contact the Risk Management Office at 436-1760 at any time with questions.

#### **A. Jury Duty**

Employees shall give their immediate supervisor notice within a reasonable time of receiving a jury summons. Employees are expected to follow absence reporting procedures. If an employee is dismissed from jury duty for the remainder of the day, the employee is to report to work for the balance of the day.

Employees on a work schedule that does not coincide with the general school day schedule shall contact their supervisor upon receiving a jury summons to determine their work schedule during the period of jury duty service. Upon being dismissed from jury duty each day, such employees shall contact their supervisor to receive instructions as to when or whether to report to work that day.

Depending upon the nature of their duties, an employee's salary may continue during time spent in jury service. Pay may be reduced in an amount equal to any compensation, other than expenses, paid by the court for jury duty.

**B. Military and Family Military Leave (Policy Regulation 4640.2)**

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.

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

The Family and Medical Leave Act of 1993 (FMLA) requires employers to grant eligible employees 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).

Employees should notify Human Resources, 436-1593, if you wish to apply for provisions of the Family and Medical Leave Act.

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.

Please refer to Appendix B for more details. Any questions regarding FMLA should be directed to Human Resources, 436-1593.

**VIII. Payroll Deductions**

All hourly employees will have the following deductions from their pay:

1. Withholding tax (Federal and State)
2. Nebraska Public Employees Retirement System (except for employees who work less than 15 hours per week)
3. Social Security/Medicare

## **IX. Employee Benefits**

### **A. Elective 403(b) Plan**

An employee-funded 403(b) program is available to all employees. For more information, employees may call the Benefits Department, 436-1593, or refer to the information on the Information Center for Employees (ICE) on the district website.

It is the policy of this District that participants who terminate employment with the District prior to attaining age 59½ 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).

### **B. 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, provides training for supervisors and other appropriate personnel. The training will help supervisors with early recognition of behavioral or medical problems adversely affecting job performance and provide supervisory techniques and strategies to assure 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) voluntary self-referral by the employee or (2) mandatory 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.

#### **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.

## **XII. 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)<br>Thomas Christie—Multicultural Administrator—436-1604 (Students)<br>Employee 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 the Americans with Disability Act (ADA) | Discrimination, harassment or reasonable accommodations of persons with disabilities | Marla Styles, ADA Coordinator—436-1579<br>Terry Macholan—504 Coordinator—436-1650 (Students)   |
| Homeless student laws   | Children who are homeless  | Terry Macholan—Homeless Coordinator—436-1650   |
| 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, national origin, sexual orientation, 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 D.

### **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.

### **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

## Pay Dates

### Staff other than transportation employees:

| 2010         |             | 2011      |
|--------------|-------------|-----------|
| September 30 | January 31  | May 31    |
| October 29   | February 28 | June 30   |
| November 30  | March 31    | July 29   |
| December 27  | April 29    | August 31 |

**New employees should check with Human Resources to determine your first pay date.**

### Transportation employees:

| 2010         |             | 2011      |
|--------------|-------------|-----------|
| September 15 | January 14  | May 13    |
| September 30 | January 31  | May 31    |
| October 15   | February 15 | June 15   |
| October 29   | February 28 | June 30   |
| November 15  | March 15    | July 15   |
| November 30  | March 31    | July 29   |
| December 15  | April 15    | August 15 |
| December 27  | April 29    | August 31 |

Note: Those transportation employees who opt to the 10-month pay plan will not receive paychecks in July or August.

# 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](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1420 Revised January 2009

# APPENDIX C

## GENERAL SAFETY GUIDELINES FOR EMPLOYEES RISK MANAGEMENT DEPARTMENT

**Every employee of Lincoln Public Schools has an obligation to protect the resources of the district. As a part of this obligation, employees have a responsibility to work safely and protect themselves from injury. The following are general safety guidelines for all employees. Specific safety guidelines unique to a particular position are provided by the supervisor.**

1. Do not stand on chairs, counters, tables, etc. Only use step stools, ladders and locking stools to stand, climb, etc., to reach high places, put things on bulletin boards, etc.
2. Always utilize personal protective equipment provided by the district - i.e., goggles, aprons, gloves, and ear protection.
3. Wipe up spills or report promptly to appropriate personnel. DO NOT assume someone else will do it.
4. Be aware of your surroundings. Pick up clutter, keep your work area or room clean and free of clutter, debris, etc.
5. Identify and report all hazards - i.e., broken equipment, broken or uneven floor surfaces, non-operating tools, windows, doors, etc. Follow up if not repaired.
6. Do not use equipment if you are not familiar with it or operate machinery without proper training.
7. Do not carry heavy or bulky objects. Get a cart, dolly or assistance. Know how to properly lift.
8. Report any injuries or work related medical problems to your supervisor immediately and complete the employee accident report. Review HR #2 to familiarize yourself with the district's workers' compensation process and procedures.
9. Wear seatbelts when in vehicles where provided.
10. Do not do repetitive tasks for long periods of time - i.e., keyboarding, dipping cookies, cutting out things, filing, typing, etc. Take breaks, learn and do stretching exercises, etc.

Any employee who believes that the task they are asked to do is not safe and will endanger them or others can decline to do the task. They should immediately inform their supervisor who will then contact Risk Management.

**APPENDIX D**  
**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
- Sex
- National Origin
- Age
- Color
- Disability

- A co-worker
- My supervisor
- Other \_\_\_\_\_  
\_\_\_\_\_

(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 E

## GUIDELINES FOR DRIVING LPS VEHICLES

If you drive a district-owned vehicle, you are required to be familiar with and follow the: (1) the Guidelines for Driving LPS vehicles and (2) the reporting process for a collision or a ticket. This Appendix sets forth the guidelines and procedures and gives information on the Driving Review Committee.

### A. DRIVER REQUIREMENTS

Employees driving LPS vehicles will be subject to the following:

1. Providing proof of a current driver's license with no restrictions which would affect the ability to operate an LPS vehicle, and providing proof of insurance.
2. Annual review of driving abstracts to determine whether the employee has a "satisfactory driving record." The "satisfactory driving record" standard for drivers of LPS vehicles means a record which reflects the absence of any of the following offenses or circumstances:
  - a. Motor vehicle homicide;
  - b. 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,
  - c. Reckless driving or willful reckless, within the immediate prior 10 years; or
  - d. 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.
3. Participation in training and defensive driving programs.
4. Annual physicals for drivers required to have a school driver's permit. Physicals may be required of other drivers if it is determined that an employee appears to have a condition which could impair their ability to perform the essential functions of their position. Employees who drive an LPS vehicle are to report to their supervisor any physical or mental condition which would impair their ability to safely operate a motor vehicle as soon as they learn of the condition.
5. Review of all collisions, tickets and complaints while in an LPS vehicle.
6. Employees required by DOT law to possess a CDL license are subject to drug and alcohol testing.

### B. PRE-TRIP AND POST-TRIP INSPECTION OF VEHICLE

All vehicles are to be inspected before a driver takes them for the first time on any given day, and also at the end of use of the vehicle each day. If damage or a safety concern is observed, it should be reported immediately to transportation and a report filled out even if you do not know how the damage occurred. If there is a safety concern with the vehicle (e.g., brakes do not work properly), employees are not to use the vehicle until it has been inspected and/or repaired by transportation. Any other damage which occurs while operating a vehicle (i.e. glass breakage) should also be reported. This inspection process will protect the employee who had that vehicle checked out in that they will have checked and logged all damage. The inspection and reporting is the responsibility of the employee who is in control of the vehicle and may not be delegated to another person.

### C. SAFE DRIVING PRACTICES

Employees driving LPS vehicles must follow safe-driving practices, including:

1. Wear seat-belts when available.
2. Not smoke in an LPS vehicle.
3. Not operate a vehicle while under the influence of alcohol or illegal drugs or any medication which could impair driving performance. Employees are to notify their supervisor if they are on prescription drugs which carry warnings related to not driving.
4. Not operate a vehicle while fatigued or otherwise not in a condition which may cause the driver to not be a safe driver.
5. Not use the vehicle for private use unless clearly authorized by supervisor.

6. Not wear headphones while operating an LPS vehicle.
7. Not operate a cellular phone while driving or otherwise engage in distracted driving. Employee should pull over and park in a safe place to use phone.
8. Project a professional image (no cussing, hand gestures, honking horn except for defensive or safety purposes, or other such actions).
9. Follow all rules of the road and applicable Board policies and supervisor directives.
10. Attend to the safety of any student occupants, including use of safe evacuation procedures in the event the vehicle is in an accident or disabled, and not leave students in a vehicle unaccompanied by a responsible adult.

## II. ACCIDENT OR TICKET REPORTING PROCEDURES

If you are in an accident while driving an LPS vehicle or while engaged in the course and scope of your job, you are to:

1. Notify your supervisor immediately. An investigator will be dispatched.
2. Fill out the Vehicle Collision Report. Print legibly and fill in all blanks. Submit to investigator at time of investigation.
3. Do not fill out the portion of the state report regarding insurance. Central office will handle this. A state report is required if there is \$1,000 or more damage or personal injury.
4. Give information to police personnel related to name, address, insurance carrier, etc.
5. Do not make any statements to other parties regarding liability.
6. Direct all inquiries to the risk management office of the Lincoln Public Schools, 436-1759 or to legal counsel for Lincoln Public Schools.

If you are issued a ticket while driving an LPS vehicle or while engaged in the course and scope of your job, you are responsible for payment. You must report any ticket received to your supervisor immediately.

## III. LINCOLN PUBLIC SCHOOLS DRIVER REVIEW COMMITTEE

### A. BACKGROUND ON THE DRIVER REVIEW COMMITTEE (DRC)

1. **Composition:** Supervisor of transportation, supervisor of maintenance, superintendent of distribution center, Director of Risk Management, shop manager, safety trainer, two driver representatives from transportation, one maintenance representative, and one distribution center representative. Legal counsel is an advisory member.
2. **Objective:** It is the objective of the DRC to achieve a reduction in the number and severity of vehicle collisions involving LPS drivers and vehicles and make confidential reports to insurance and legal counsel. This will be achieved through driver training programs, evaluations of vehicle collisions, maintenance of equipment, evaluation of driving abstracts, evaluation of phone call complaints and evaluation of driver's physical/mental condition when necessary.
3. **Actions.** The DRC meets on a monthly basis to review the previous months' collisions. The committee will review all collisions and complaints for each employee. The committee will recommend disciplinary/corrective action as determined appropriate for each case. If the employee had a collision in the previous month that they wish to comment on, they can send written correspondence to the committee. They will be notified of any action the committee takes with regards to their collision.

### B. GENERAL GUIDELINES FOR DISCIPLINE/CORRECTIVE ACTION

#### 1. Possible Disciplinary or Corrective Actions:

The DRC may recommend the following disciplinary or corrective action for drivers of LPS vehicles who fail to meet the district's expectations: verbal reprimand; written reprimand; training or testing; reassignment; suspension; or termination. This listing of disciplinary or corrective action which the DRC may recommend is non-exhaustive (other actions may be taken) and are not listed in priority or sequence. Termination or other discipline may be imposed without cause and without progressive discipline being followed and consideration by the DRC is not a necessary step before any employment action is taken. The DRC will review any official reprimands issued for reason of a driving offense.

## **2. Incidents which May Result in Disciplinary or Corrective Actions:**

- A. Having a collision. The disciplinary or corrective action to be taken will take into account fault and severity of the collision.
- B. Getting a ticket as the result of a collision.
- C. Getting a ticket for any other reason in an LPS vehicle. Issuance of a ticket will result, at a minimum, in a written reprimand to be placed in the employee file. Accumulation of more than one reprimand may lead to recommendation of termination.
- D. Failure to report a collision or ticket. This conduct will result, at a minimum, in a written reprimand to be placed in the employee's file.
- E. Failure to report damage to an LPS vehicle. This conduct will result, at a minimum, in a written reprimand to be placed in the employee's file.
- F. Telephone complaints against the driver.
- G. Altering a vehicle.
- H. Damaging a vehicle
- I. Smoking in a vehicle.
- J. Not wearing a seat belt or failing to require that occupants use a seat belt, when provided.
- K. Use of a cell phone while driving or engaging in other forms of distracted driving.
- L. Failure to pass state or district testing procedures.
- M. Failure to follow through on recommendations of the DRC.
- N. Consuming or being under the influence of alcohol or drugs, having the odor of alcohol or drugs, or issuance of a ticket for a DWI or similar offense. This conduct is also a violation of the district's drug and alcohol policy and will ordinarily result in a recommendation of termination of employment.
- O. Issuance of a ticket (including a ticket issued due to non-work driving) where the employee's driving record would fail to meet the "satisfactory driving record" standard if the driver were to be found guilty. Employees who receive such tickets will not be allowed to operate LPS vehicles and may be recommended for termination of employment. Issuance of such a ticket must be reported to your supervisor immediately.
- P. Loss of license (including suspension, revocation, failure to renew prior to expiration, or withdrawal) for any reason (including by reason of loss of points due to non-work driving), must be reported to your supervisor immediately. Employees who have lost their Nebraska drivers license will not be allowed to operate LPS vehicles. Failure to report such on a timely basis will result, at a minimum, in a written reprimand. If an LPS vehicle is driven without a current and valid license, a recommendation of termination will be made.
- Q. Unauthorized use of vehicle (for example, using an LPS vehicle without proper permission, or using an LPS vehicle for purposes other than authorized, such as driving for person, non-work purposes).

## **C. General Practices of the DRC**

1. All collision reports are reviewed by the transportation supervisor and the Director of Risk Management for any actions that need immediate resolution. These findings are reported to the DRC.
2. All telephone complaints will be written down by whoever receives the call. They will be reviewed by the appropriate departmental supervisor and the driver will be contacted by the supervisor regarding the complaint. Telephone complaints will be reviewed by the DRC. Complaints where patrons have left names will be considered more seriously than anonymous complaints. The name of the caller will not normally be given to the driver, but the DRC will be provided the name when it is appropriate.
3. All inquiries from insurance representatives from other parties involved in the collision should be directed to Risk Management, 436-1759. Employees do not respond to questions unless authorized by risk management to do so.
4. Meetings with employees and the LPS insurance representative or legal counsel will be arranged through risk management.

## APPENDIX F

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### FEDERAL MINIMUM WAGE

**\$5.85** PER HOUR

BEGINNING JULY 24, 2007

**\$6.55** PER HOUR

BEGINNING JULY 24, 2008

**\$7.25** PER HOUR

BEGINNING JULY 24, 2009

#### OVERTIME PAY

At least  $1\frac{1}{2}$  times your regular rate of pay for all hours worked over 40 in a workweek.

#### YOUTH EMPLOYMENT

An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

**No more than**

- 3 hours on a school day or 18 hours in a school week;
- 8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment. For more information, visit the YouthRules! Web site at [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

#### TIP CREDIT

Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

#### ENFORCEMENT

The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Civil money penalties of up to \$11,000 per violation may be assessed against employers who violate the youth employment provisions of the law and up to \$1,100 per violation against employers who willfully or repeatedly violate the minimum wage or overtime pay provisions. This law prohibits discriminating against or discharging workers who file a complaint or participate in any proceedings under the Act.

#### ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



For additional information:

**1-866-4-USWAGE**

(1-866-487-9243)

TTY: 1-877-889-5627



**WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1088 (Revised June 2007)

# APPENDIX G

## Equal Employment Opportunity is **THE LAW**

### Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

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

#### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from 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 (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

#### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring 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 based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

#### **SEX (WAGES)**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

#### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

#### **RETALIATION**

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

#### **WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

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## Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

### **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, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

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), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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## Programs or Activities Receiving Federal Financial Assistance

### **RACE, COLOR, NATIONAL ORIGIN, SEX**

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, 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 financial assistance.

### **INDIVIDUALS WITH DISABILITIES**

Section 504 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. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

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