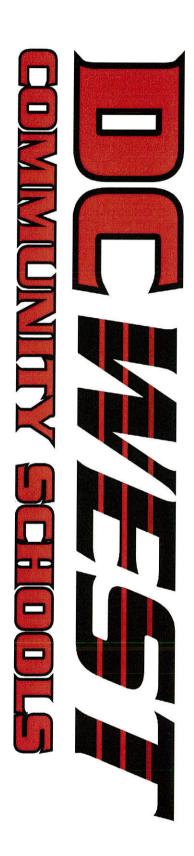
CLASSIFIED EMPLOYEES HANDBOOK



Classified Employees Handbook Douglas County West Community Schools

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Douglas County West Community Schools Classified Employees Handbook

FOREWORD

This handbook is intended to be used by classified employees to provide general information about DC West and to serve as a guide to the District's policies, rules, and regulations, benefits of employment, and performance expectations.

References in this handbook to "classified employees" are intended to apply to all staff who are not required by their position to hold a teaching or administrative certificate.

Each classified employee is responsible for becoming familiar with the handbook and knowing the information contained in it. Although the information found in this handbook is detailed and specific on many topics, the handbook is not intended to be all encompassing so as to cover every situation and circumstance that may arise. This handbook is intended to supplement other documents that deal with your employment, including your employment agreement and the policies and regulations of the Board of Education. In reading this handbook, please understand that where a direct conflict exists, state or federal law, and Board policies and regulations, will control.

This handbook does not create a "contract" of employment. Classified employee positions and assignments may be ended or changed on an "at will" basis notwithstanding anything in this handbook or any other publication or statement, except for a contract approved by the Board of Education.

The administration will be responsible for interpreting the rules contained in the handbook and shall have the right to make decisions and make rule revisions at any time. Should a situation or circumstance arise that is not specifically covered in this handbook, the administration will make a decision based upon applicable school district policies, state and federal statutes and regulations, and the best interests of the District.

This handbook will be in effect for the 2015-16 and subsequent school years unless replaced by a later edition.

Article 1 – EMPLOYMENT, COMPENSATION AND BENEFITS

Section 1 Employment

Employment Agreements will be offered to each employee indicating whether the position is "exempt" or "non-exempt" and whether the position is part-time or full-time by PPACA standards. Employment occurs when the employee and the superintendent sign the Employment Agreement.

Classified employees may be asked in the spring whether they wish to continue in employment during the following school year. This is done for staff planning purposes and does not constitute an offer of employment.

Should an employee wish to resign from employment the employee should give two weeks' written notice of resignation to the Superintendent.

Classified employees are "at-will" employees, and may be terminated at any time by the school district. Notice of termination may be delivered by the administration or Board of Education.

Section 2 Assignments

The duties to be performed are subject to assignment by the administration and your supervisor. Job descriptions, where available, provide additional information about the position duties.

Employees are expected to diligently and faithfully perform the assigned duties to the best of the employee's ability.

Section 3 Grievances and Complaints

Employee grievances or complaints shall be addressed through the administrative chain of command following the process set forth in board policy or this handbook.

Section 4 State Retirement

The State of Nebraska requires participation in the School Employees Retirement Plan for all permanent employees working 20 hours/week or more – or any employee whose average hours increase to 20 hours/week or more for any 3 calendar months in a plan year (July 1 – June 30). The contribution rate is determined by the state. The school district matches your contributions at 101%. Annual statements are received from the Retirement System.

The Retirement web site www.npers.ne.gov provides a variety of information about the retirement program.

Section 5 Compensation

Compensation. Compensation is paid only as authorized by the Board of Education.

<u>Salary Payments</u>. Employees are paid on the 15th of the month, or the last preceding business day, if the 15th falls on a holiday or weekend. Employees will be expected to accurately report hours worked. Falsification of time is a serious offense.

With administration approval, classified employees who work less than 12 months annually and are participating in the group health insurance may request that their pay be spread out over 12 months so that their health insurance premium can be withheld during the summer months. The monthly amount will be based on an estimated number of hours. Adjustments to the monthly amount based on the number of hours actually worked shall be made after the school year is completed.

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

Article 1 – Employment, Compensation and Benefits

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

Section 6 Benefits

Classified employees are provided benefits in accordance with their employment agreement and Board policy. Annual fringe benefit elections are to be made by September 1 of each school year. Should an employee fail to make such election, the employee election from the immediately preceding school and contract year shall be continued. Employees are responsible for informing the Superintendent's Office in writing of any changes in benefit status.

<u>Life Insurance</u> (available to employees who work 20 or more hours weekly)

The district provides a \$25,000 term life insurance benefit which includes a \$25,000 accidental death or dismemberment benefit.

Additional life insurance and dependent life insurance may be purchased by the employee.

<u>Long Term Disability Insurance</u> (available to employees who work 20 or more hours weekly)

This coverage protects 66 2/3% of your earnings should you become disabled and unable to work. The premium will show up as a payment as well a deduction on your pay form. No taxes would be paid on any subsequent benefits.

Section 125 Plan (available to employees who work 20 or more hours weekly)

This program allows employees to pay for elected benefit premiums with pre-tax dollar.

Additionally, beginning January 1 each year, employees can enroll with Payflex and begin contributing pre-tax dollars for unreimbursed medical expenses and dependent care expenses.

Health and Dental Insurance (available to employees who work an average of 30 hours or more weekly based on PPACA calculations) A portion of the health premium may be paid by the school district for staff members in certain job categories. This premium designation will be noted on the Classified Employee Employment Agreement. This insurance is part of a group plan through Blue Cross Blue Shield and the employee's portion of the premium will be paid as a deduction from your salary. Employee employee/spouse, employee/child(ren), or family health and dental coverage may be elected or dental only.

Continued health insurance benefits are available through COBRA, subject to certain qualifying requirements. A Notice of COBRA Continuation Coverage Rights will be provided to you or will be made available upon request from the Superintendent's office.

The Health Insurance Portability and Accountability Act (HIPAA) provides rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibit discrimination against employees and dependents based on their health status; and allow a special opportunity to enroll in a new plan to individuals in certain circumstances. HIPAA may also give you a right to purchase individual coverage if you have no group health plan coverage available, and have exhausted COBRA or other continuation coverage. Further information may be obtained from the Plan Administrator of the group health plan.

Article 1 – Employment, Compensation and Benefits

Section 7 Payroll and Payroll Deductions

Payroll deductions are made in accordance with law and elections made by employees.

Section 8 Expense Reimbursement

Reimbursement for authorized mileage will be paid to employees required to drive their own vehicles during their regular scheduled working hours between two or more work sites. Claims for reimbursement should be submitted to the District Office on a monthly basis. The allowable rate shall be governed by Board policy, unless otherwise required by law. The District is not liable for physical damage to employee vehicles.

Reimbursement for purchase of materials or for meals or other expenses related to travel must be submitted to and approved by either the employee's immediate supervisor or, if the expense relates to an activity, by the Athletic Director. The request for reimbursement should include a voucher sufficient to establish that the expense was actually incurred and that the expense was reasonable and related to a school-purpose.

Reimbursable mileage or other reimbursement expenses will be considered separate from compensation and be paid at the time of the next monthly board meeting after sufficient support documentation is provided.

Necessary materials and supplies are provided by the District. If an employee needs additional materials for performance of duties, the request should be made to the employee's immediate supervisor. Employees who purchase materials or supplies without advance approval may not be reimbursed.

Section 9 403(b) Salary Reduction Agreements

The District will cooperate with any employee who chooses to participate in an investment program under Internal Revenue Code Section 403(b) that has been approved by the Board of Education.

Section 10 Overtime

Overtime is paid to classified employees in accordance with the Fair Labor Standards Act (FLSA).

Classified employees may be classified as either "exempt" or "non-exempt" for overtime purposes. Employees who are classified as exempt employees are not eligible for overtime. Those who are "non-exempt" are eligible for overtime.

The regular workweek for overtime purposes is from 12:00 a.m. on Sunday through 11:59 p.m. on Saturday.

Non-exempt employees must receive prior approval from their supervisor to work additional hours beyond their regular work schedule. Non-exempt employees will be paid for each hour worked in excess of 40 hours in a workweek and are expected to accurately and timely report overtime hours to their supervisor.

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 hours worked in excess of the 40 hour 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. If applicable, the employee and the Superintendent will agree upon the overtime rate, in compliance with FLSA regulations.

A non-exempt employee may request compensatory time in lieu of overtime pay, with approval of the employer, with the rate figured as $1\frac{1}{2}$ times the number of hours worked in excess of 40 hours in any work week. Compensatory time may be accumulated up to 24 hours upon approval by their supervisor. Any accumulation of compensatory time over 24 hours must be approved by the Superintendent.

Article 2 – ABSENCES FROM WORK

Section 1 Absence Procedures

Requesting Leave. Leave requests should be made as soon as practicable under the circumstances. An employee who wants to use available leave is to submit a Leave Request form to the employee's supervisor. The request is to be submitted at least 3 duty days prior to the leave. The supervisor may require that more advance notice be given depending on the nature of the employee's duties or the need to schedule a substitute.

Giving Notice of Unscheduled Absences. An employee who is unable to request advance approval for an absence because of the nature of the circumstance requiring the absence (such as personal illness or unforeseen emergency) is to report the need to be absent as soon as the situation is known. To report the need to take a sick or bereavement leave, employees are to contact their supervisor/principal's office before 8:00 AM. The employee must keep their supervisor updated daily (before 8:00 AM) on whether or not they are able to return to work. A Leave Request form must be submitted to the employee's supervisor upon return to work.

Returning from Absences

Establishing Fitness for Duty. Employees must present a written statement from their physician or health care provider to their supervisor when absent for any period of time because of injury requiring care from a physician or health care provider, or absent from work for 6 days or more due to a personal health condition. The statement is to clearly verify that the employee is mentally and physically able to return to duty. This statement is to be presented in person to the employee's supervisor before the employee returns to duty in order that the readiness to perform work can be observed and discussed.

Employees are required to disclose any medical restrictions that limit their ability to perform the essential functions of their position to their supervisor and to request a meeting with the Americans with Disabilities Act (ADA) Coordinator to discuss the provision of reasonable accommodations. The District will not discriminate against any employee due to disability and will provide reasonable accommodations. Information provided about medical conditions or disabilities shall be treated as confidential, and will be divulged only to the extent necessary to provide reasonable accommodations.

Section 2 Paid Leave

Employees are provided with paid leave as detailed in this Classified Employees Handbook. During such paid leaves, employees continue to receive their wages/salary and fringe benefits. At least 90 days of employment is required prior to the use of sick, personal or bereavement leave.

Sick leave, personal leave, and vacation hours are added to the employee's leave bank in September of each year. Employees hired mid-year will receive a pro-rated number of leave hours. The leaves provided by the District are to be used for the purpose intended. Abuse of leave privileges affects the students, other staff, and the entire District and will not be tolerated.

Sick Leave

- Sick leave must be used in 1 hour increments
- Employees may use sick leave when unable to work due to illness. Sick leave may be used for personal illness or illness of a family member living in the employee's household.
- Maximum accumulation of sick leave is 360 hours.

Sick leave is calculated in hours based on the following ranges:

Annual Hours worked	Hours of Sick Leave
700 - 900	36
900 - 1100	45
1100 - 1300	54
1300 - 1500	63
1500 - 1700	72
1700 - 2000	80
2000+	96

Article 2 – Absences From Work

Personal Leave

- Personal leave must be used in 1 hour increments.
- Compensation will be given for unused personal leave at the regular hourly rate in June of each year.
- Personal leave days cannot be carried forward to the next school year.

Personal leave is calculated in hours based on the following ranges:

Annual Hours worked	Hours of Personal Leave
700 - 900	8
900 - 1100	9
1100 - 1300	11
1300 - 1500	13
1500 - 1700	15
1700 - 2000	16
2000+	16

Bereavement Leave

Bereavement leave is to be used for purposes of addressing issues related to the death and to attend funeral services.

Classified employees are allowed bereavement leave of:

- a maximum of five (5) consecutive days following the death of an immediate relative. "Immediate relative" includes spouse, child, stepchild, parent, stepparent, grandparent, grandparent
- a maximum of three (3) consecutive days following the death of a near relative. "Near relative" includes father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent-in-law and/or any other relative who is a permanent resident of the employee's home.

<u>Vacation</u> (available to full-time twelve (12) month employees only)

- Vacation must be used in 1 hour increments
- Vacation shall not be carried forward to the next school year

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Vacation leave is calculated from original hire date and awarded as follows:

Year 1	0 hours
Year 2	80 hours maximum (pro-rated based on date of 1 st anniversary)
Year $3-8$	80 hours
Year 9 – 14	120 hours
Year 15 and after	160 hours

Holidays

Classified staff will be allowed paid holidays, if the holidays fall during the employee's work year. Pay will be for the regular number of scheduled hours. The holidays shall be New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

Section 3 Jury Duty Leave

An employee who is summoned for jury service must promptly notify the employee's immediate supervisor. The employee will be allowed time off for jury duty.

There will be no loss of salary or deduction in leave time for time spent in jury service. The employee may keep any reimbursement they receive from the court.

Article 2 – Absences From Work

If a employee reports for jury duty in the morning and is then dismissed from jury duty for the remainder of the day, the employee is to report for work and resume duties for the balance of the day, except as may be otherwise arranged by the employee's immediate supervisor.

Section 4 Payroll Deductions for Absences in Excess of Paid Leave

Should a salaried employee be absent from work in excess of the employee's accumulated sick leave or other paid leaves, the employee's salary shall be reduced by the day or days of work missed on a per diem basis calculated using the number of days missed as the numerator, and the number of total contract days for the school years as the denominator. In the case of hourly employees, the reduction will be made on an hourly basis.

Section 5 Unpaid Leaves

The District complies with laws that require leaves to be allowed, such as for FMLA leaves, military service and jury duty. Should an employee be absent from work in excess of the employee's available paid leaves, the absence will be an unpaid leave except as may be required by law. The employee's salary and fringe benefits (including the cost of premiums for group health insurance) may be subject to reduction for the day or days of work missed.

Section 6 Family and Medical Leave

Employee Rights and Responsibilities under the Family and Medical Leave Act

Family and medical leaves shall be allowed under the terms and conditions of the Family and Medical Leave Act of 1993, as amended (FMLA).

<u>Basic Leave Entitlement</u>. FMLA provides 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 your child after birth, or placement for adoption or foster care;
- To care for your spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes you unable to perform your job.

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

Military Leave Entitlement. 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 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, your health coverage under a "group health plan" will be maintained on the same terms as if you had continued to work. Upon return from FMLA leave, most employees must be restored to their original or an equivalent position with equivalent pay, benefits, and other employment terms.

Your use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your FMLA leave.

<u>Eligibility Requirements</u>. You are eligible if you have been employed with Douglas County West Community Schools for at least one year, for 1,250 hours over the previous 12 months, and if there are at least 50 employees of the District within 75 miles of your work location.

Article 2 – Absences from Work

<u>Definition of Serious Health Condition</u>. 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 you from performing the functions of your 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 three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regiment of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

<u>Use of Leave</u>. You do not need to use FMLA leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. You must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the District's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

<u>Substitution of Paid Leave for Unpaid Leave</u>. You may choose or Douglas County West Community Schools may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, you must comply with the District's normal paid leave policies.

Employee Responsibilities. You must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are 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. You also must inform the District if the requested leave is for a reason for which FMLA leave was previously taken or certified. You also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities. The District 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 District must provide a reason for the ineligibility.

The District 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 District determines that the leave is not FMLA-protected, the District must notify the employee.

<u>Unlawful Acts by Employers</u>. 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.

For additional information you may refer to FMLA poster (Appendix "B") or contact the U.S. Wage and Hour Division at:

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1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627 www.wagehour.dol.gov
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To submit a request for use of FMLA, or to make arrangements for payment of benefits while on an FMLA leave, contact Melissa Poloncic, Superintendent, at (402) 359-2583.

Article 2 – Absences from Work

Section 7 Military and Family Military Leave

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

Employees requesting military leave must notify the Superintendent as soon as they receive notification of activation. Employees are to attach a copy of their orders to a 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 Superintendent at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days, and consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the District. For leaves of less than 5 days, the employee is to notify the Superintendent of the leave request as soon as practicable.

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

Section 8 Subpoena to Testify Leave

An employee must promptly notify the employee's immediate supervisor when the employee receives a lawfully issued subpoena to testify in court or to give a deposition that may require an absence from duty.

In the event the subpoena involves a job-related matter in which the employee is testifying on behalf of the District, the absence will be treated similar to a jury duty leave.

In the event the subpoena involves a personal matter, the employee will be required to use available leave days. A subpoena will be considered to involve a personal matter whenever the employee or a family member or friend of the employee is a party to the legal proceeding, unless the employee's involvement in the legal matter is solely due to actions taken in connection with the employee's work duties, the actions of the employee were not inappropriate, and the District is not an opposing party in the legal matter.

Article 3 – DUTIES AND RESPONSIBILITIES

Section 1 Hours of Work & Meetings

Regular, dependable attendance at work is an essential function of a classified employee's employment position. Classified employees are expected to know their duty dates and times, and to be on time for work.

Employees are required to attend meetings called by the administration or their supervisors, except those meetings which are designated for optional attendance.

Section 2 Time Card

All classified employees will keep track of their work time through an automated time card system. Employees will clock in and out on a computer through a web based program. This includes clocking out and back in for lunch breaks. Any paid leave hours are to be noted in the time card system and a corresponding Leave Request form must be approved by the supervisor. Hours are to be submitted at the end of each week.

Section 3 Lunch and Breaks

Classified employees are given a 30 minute unpaid lunch break as scheduled by their supervisor. Additionally, a 15 minute break may be taken once during the day if the employee works at least a 6.0 hour daily schedule. If an employee wishes to leave the building during the 15 minute break, they should notify office personnel.

Section 4 Leaving Work

Employees are to be on duty at all times during the assigned work day. Employees may not leave school or their assigned area during duty hours without approval of the Principal or their supervisor.

Employees who leave the school for an approved absence must check out with the Principal's office or their supervisor when leaving, and check back in upon return. Employees who need to leave during the school day for reason of illness or emergency are to make sure that a responsible person has been notified of their unexpected absence so work coverage may be provided.

Section 5 School Procedures

Employees are expected to adhere to the following school procedures in the performance of their duties:

- Use of Cell Phones. Excessive use of cell phones for personal use is not acceptable.
 Employees are not to use cell phones or otherwise engage in distracted driving while transporting students or using school vehicles. This rule applies to the driver when the vehicle is in motion. The only exception would be in the case of emergencies.
- Checking Out of Equipment. All school equipment may be used only for school purposes unless approved by your Principal or supervisor.
- 3. <u>Requisition of Equipment and Supplies</u>. Books and supplies which are needed for instruction should be requested through the Principal's office. Employees shall not make purchases on behalf of the District without prior approval of the Principal.
- 4. <u>E-mail</u>. Employees will be assigned a school e-mail address for e-mail correspondence. Employees should check for e-mail throughout the duty day, and should timely respond to e-mails which require a response, but should avoid checking and responding to e-mails during instructional time. Use of the District's e-mail system for personal communications should be limited, and is subject to the rules governing overall computer usage found in Board policy and this handbook.

Section 6 Supervision of Students

Proper supervision of students is an important responsibility. Employees responsible for student supervision are expected to meet the four "P's" for student supervision and safety. All employees of the school should be familiar with these principles, to the extent they may be involved in supervision of students or interacting with students.

Article 3 – Duties and Responsibilities

1. Proper Supervision

- Report to all duty assignments on time.
- Circulate through your duty area. Pay particular attention to areas and activities that pose an increased risk of injury.
- Be vigilant while supervising students. Never leave your students unattended; the need to make a copy is not greater than the need to supervise your students. If an emergency requires that you leave students who you are supervising, request that another nearby staff member provide supervision for you, or notify the office so someone can provide assistance. If you are on recess duty, your responsibility is to supervise the students in your assigned area.
- If you have seen or have been informed that a particular student has a propensity to act dangerously or in an unpredictable manner, your supervision of that student must increase with the known risk of injury. (Remember, though, that this type of information may be confidential—do not share confidential information about students except with other staff who need to know the information to perform their jobs).
- Be careful with touching students. Touching students should be limited to that necessary to protect the student. Corporal punishment is prohibited in our school district and is not to be used. Physical force may only be used to the extent reasonably necessary to protect the student, yourself and others, and to protect property as may be reasonable.
- Use good judgment when dealing with difficult situations involving students. Physical confrontation generally escalates tense situations.
- Be careful with your language. Profanity or abusive language should not be used by you. If a student uses such language, you should correct the student and take such disciplinary action as is appropriate, which may include making a report to administration.

2. Proper Instructions

- Proper instructions are important to reduce the risk of injury when students undertake an activity, especially an activity that has an increased risk of harm to students.
- Repeat the instructions on how to complete a task that has a heightened risk of danger as often as needed.
 Do not assume because students heard the directions once that they will be remembered.

3. Proper Maintenance of Buildings, Grounds, and Equipment

- Conduct periodic inspections of equipment under your control or in your area of supervision.
- If equipment is broken and presents a risk of injury, immediately take it out of service (if it can't be moved, tape a "Do Not Use" sign) and notify the office so those repairs may be undertaken.
- Check your communication devise (whether it be a school phone in your supervision area, a walkie-talkie,
 or a cell phone) periodically to make sure you can communicate with the office immediately in the event
 of an emergency.

4. Proper Warnings

- If you have knowledge of a hazard that can likely cause injury, take steps to warn other staff and students. Tell the office so additional warnings may be given.

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 should be contacted before performing searches of students or their belongings. 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

Article 3 – Duties and Responsibilities

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

Treat students fairly and consistently without consideration of race, color, religion, gender, or disability. Students who need special accommodations are to be given those accommodations as needed for them to participate in school and school activities. Follow IEP and 504 Plans for the students for whom you are responsible. Be attentive and respond to "bullying." Maintain the confidentiality of student records. Student record information should be shared only with other school staff with a need to know the information to perform their duties.

Section 7 Dispensing Medication

Employees are not permitted to give any medication to students unless trained under the Medication Aid Act. To ensure the proper care of our students, employees who are asked to take the medication training and administer medications shall do so.

Students who need to take prescription medicine must have a signed parent release form on file in the office. Medications are to be taken in the presence of the office staff, the nurse, or medication aide and are to be stored in the office; with the exception of students who have a diabetes self-management or asthma self-management plan. 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).

If students must take medication and/or perform medical procedures prescribed by a duly licensed physician during school hours, it is the responsibility of the parents or guardians to sign permission slips to dispense the medicine at the school and to submit a note or prescription from the physician authorizing the medicine and/or medical procedure. School district personnel are not to administer medicine, including over the counter medicine, without this signed form and note or prescription. Any medication brought to school needs to be properly labeled. The label should include the following information: student's name, name of medication, dosage needed, and time of dispensing the medication.

Section 8 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 that they intend to make a report. Administrative staff may sometimes choose to make the report for an employee. However, informing a Principal or supervisor does not end the employee's responsibility; employees are obligated to make certain a report was made if they do not do it themselves.

It is vital that the report be made as accurately and as soon as possible. To assure accuracy, you are encouraged to document the date of the incident and specific statements or explanations made by a child regarding an abuse/neglect concern. Timeliness in making a report will assist in minimizing further risk to the child by allowing the police or Child Protective Services workers to promptly interview the child. A counselor or an administrator will help you.

Article 4 – PERSONAL AND PROFESSIONAL CONDUCT

Section 1 Ethics Standards

The Douglas County West Community School District expects its classified employees to adhere to ethics standards which are modified from those established by the Nebraska Department of Education for certificated employees. The classified school employment job ethics standards which classified employees are expected to adhere to include those set forth below.

Principle I - Commitment as a School Employee:

Employees shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the employee's contractual and personal responsibilities, the employee:

- Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
- Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
- Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence personal decisions.
- 4. Shall not make any fraudulent statement or fail to disclose a material fact for which the employee is responsible.
- Shall not exploit school relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
- 6. Shall not sexually harass students, parents or school patrons, employees, or board members.
- 7. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of job duties.
- 8. Shall report to the Superintendent any known violation of paragraphs 2 or 5 above.
- 9. Shall seek no reprisal against any individual who has reported a violation of this rule.

Principle II - Commitment to the Student:

Mindful that the employee's classified position exists for the purpose of serving the best interests of the school district's students and patrons, the classified employee shall perform his/her job duties with genuine interest, concern, and consideration for the student.

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

- Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
- Shall keep in confidence personally identifiable information that has been obtained in the course of employment, unless
 disclosure is approved by the administration or is required by law.
- 3. Shall not discipline students using corporal punishment.

Principle III - Commitment to the Public:

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

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

Principle IV - Commitment to Classified Position Employment Practices:

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

In fulfillment of the obligation to employment practices, the employee:

- 1. Shall apply for, accept, offer, or assign a position or responsibility on the basis of preparation and legal qualifications.
- Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.
- 3. Shall give prompt notice to the employer of any change in availability of service.
- Shall conduct job related business through designated procedures, when available, that have been approved by the
 employing agency.
- 5. Shall not assign to unqualified personnel, tasks for which an employee is responsible.
- 6. Shall permit no commercial or personal exploitation of his or her employment position.
- Shall use time on duty and leave time for the purpose for which intended.

Competent Performance

Employees must possess the abilities and skills necessary to accomplish the designated task.

Therefore, each employee shall:

- 1. Keep records for which he or she is responsible in accordance with law and policies of the school system;
- 2. Supervise others in accordance with law and policies of the District;
- Recognize the role and function of community agencies and groups as they relate to the District and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

Each employee shall:

- 1. Utilize available materials and equipment necessary to accomplish the designated task;
- Adhere to and enforce written and dated administrative policy of the District which has been communicated to the
 educator;
- Use channels of communication when interacting with educators, community agencies, and groups, in accordance with policy.

Each supervisor shall:

 Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

Communication Skills: In communicating with students and other employees, each employee, within the limits prescribed by his or her assignment and role, shall:

- 1. Utilize information and materials that are relevant to the designated task;
- 2. Use language and terminology which are relevant to the designated task;
- 3. Use language which reflects an understanding of the ability of the individual or group;
- 4. Assure that the designated task is understood;
- 5. Use feedback techniques which are relevant to the designated task;
- Consider the entire context of the statements of others when making judgments about what others have said;
- 7. Encourage each individual to state his ideas clearly.

Management techniques: The employee shall:

- 1. Resolve discipline problems in accordance with law, board policy, and administrative regulations and policies;
- 2. Maintain consistency in the application of policy and practice;
- Develop and maintain positive standards of conduct.

Human and Interpersonal Relationships: Employees shall possess effective human and interpersonal relations skills and therefore:

- 1. Shall allow others who hold and express differing opinions or ideas to freely express such ideas;
- 2. Shall not knowingly misinterpret the statement of others;
- 3. Shall not show disrespect for or lack of acceptance of others;
- 4. Shall provide leadership and direction for others by appropriate example;
- 5. Shall offer constructive criticism when necessary;
- 6. Shall comply with reasonable requests and orders given by and with proper authority;
- Shall not assign unreasonable tasks;
- 8. Shall demonstrate self-confidence and self-sufficiency in exercising authority.

Personal Requirements: Each employee within the scope of delegated authority shall:

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

Contractual Obligations: Employees shall adhere fully to the terms of a contract or appointment.

Section 2 Role Model

Employees serve as role models for students and their actions and conduct reflect on the school as a whole. Employees are in all respects to conduct themselves in a professional manner.

Section 3 Professional Boundaries

All employees are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

- Using e-mail, text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school-related activities, such as the student's homework, class activity, school sport or club, or other school-sponsored activity. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Engaging in social-networking friendships with a student on MySpace, Facebook, or other social networking site. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children.
- Engaging in sexual activity, a romantic relationship, or dating a student or a former student within one year of the student graduating or otherwise leaving the District.
- Making any sexual advance verbal, written, or physical towards a student.
- Showing sexually inappropriate materials or objects to a student.
- Discussing with a student sexual topics that are not related to a specific curriculum.
- Telling sexual jokes to a student.
- Invading a student's physical privacy (e.g., walking in on the student in a restroom).
- Hugging or other physical contact with a student that is initiated by the employee when the student does not seek or want this
 attention.
- Being overly "touchy" with a specific student.
- Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.
- Discussing with the student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- Giving a student a ride in the employee's personal vehicle without express permission of the student's parent or school administrator unless another adult is in the vehicle.
- Taking a student on an outing without obtaining prior express permission of the student's parent or school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of familial relationships between employees and their children who are students in the District.

Employees who observe or become aware of a violation of the foregoing expectations by other employees are to report the matter to the Principal or the Superintendent.

Section 4 Relationships

It is important for employees to maintain an effective working relationship with the administration and all co-workers. Employees are also to maintain appropriate relationships with students. Appropriate relationships are established by extending social courtesies, following through on commitments and promises, complying with administrative directives and Board policies, being honest and consistent, and not intruding into personal matters outside the scope of duties or gossiping or spreading rumors about others.

Section 5 Civility

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. Employees may be subject to disciplinary action up to and including termination for engaging in uncivil behaviors.

Uncivil behaviors are any behaviors that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Such interactions are prohibited in all forms of communication, including telephone conversations, voice mail messages, face-to-face conversations, written communications, and email messages.

Any employee aware of another employee's uncivil behavior shall report the conduct to the employee's immediate supervisor or to the Superintendent. There will be no retaliation against a person for making the report.

Section 6 Notification of Arrest, etc.

Employees must notify Superintendent by the next business day after:

- 1. <u>Arrest or Criminal Charges</u>. The employee is arrested, ticketed, or issued a criminal charge where:
 - a. The maximum penalty for the crime equals or exceeds six months incarceration:
 - b. The crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;
 - c. Conviction would impact performance of employee's job responsibilities, including offenses that:
 - Would impact the responsibility to be a role model for students or relations with other employees of the District;
 - Would impact the employee's ability to operate a motor vehicle if the employee's work duties include driving; or
 - Would impact the employee's Commercial Drivers License if the employee's job requires that the employee
 have a CDL.
 - d. The arrest or the alleged criminal activity occurred while the employee was on duty, on District property, or in a school owned or utilized vehicle, or at a school-supervised activity or school-sponsored function.

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

- Certificate or License. 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.
- Child Abuse. The employee becomes aware that a report of child abuse or neglect has been made against the employee
 under the Child Protection Act.

Further, employee 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 ten days following receipt of this handbook.

Employees must give full disclosure of the existence and nature of the above proceedings and must also promptly notify Superintendent of the disposition of the proceedings.

Legal documents relating to the proceedings shall be treated and maintained as part of the employee's confidential criminal background file.

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

Section 7 Evaluations

Evaluations of employee will be conducted in accordance with the District's evaluation policy. Supervisors reserve the right to observe, appraise or evaluate employee more frequently than required by policy on an as-needed basis. Employees are expected to make themselves available for evaluation on request, to participate constructively and positively in the evaluation process, and to accept and implement constructive suggestions and improvement strategies developed by the administration.

Section 8 Employee Complaints or Concerns

Employees are to inform their supervisor or the Superintendent of any complaints or concerns about the operations of the District using the established chain of command (immediate supervisor, next higher level supervisor, etc.) on all matters that require administrative attention; that is, on all matters or issues that their job responsibilities require them to report to a supervisor.

It is important to the efficient and successful operation of the District and a duty of all employees to share any such complaints or concerns in a responsible, professional manner such as to: (1) not disrupt the proper functioning of their duties, (2) not undermine the authority of their co-workers, supervisors, or superiors, (3) maintain close working relationships with their co-workers, supervisors, and superiors, and (4) ensure that all applicable laws and regulations are followed. All official

communications from employees must be accurate, demonstrate sound judgment, and promote the District's mission. Employees must ensure that all applicable laws and regulations are followed by the District and its employees. In the event an employee becomes aware of any such non-compliance, the employee is to report such to the employee's immediate supervisor (or the next higher level, if the supervisor is responsible for the problem) and maintain the confidentiality of the report so that the problem can be appropriately corrected in the best interests of the District.

Employees are to use the appropriate complaint or grievance mechanism for matters involving discrimination or harassment or other established mechanism specific to the nature of the complaint or concern.

The District will not tolerate unlawful retaliation against an employee for engaging in legally protected activity. A protected activity includes an employee's act of opposing an unlawful practice prohibited by employment discrimination or other laws that protect the conduct in question. Any act of unlawful retaliation by a supervisor or other employee may result in serious disciplinary action up to and including termination. Any employee may file a complaint with the Superintendent or appropriate Coordinator if the employee feels that they have experienced unlawful retaliation in any form.

Section 9 Attire

It is important for employees to project a professional image to students, parents and co-workers. Appropriate attire and grooming is one of the means of projecting a professional image. Employees are expected to maintain conservative and professional attire and grooming when on duty. As a minimal guide, employees should not wear clothing which students would not be permitted to wear at school. The administration may establish more detailed guidelines for individual employees should that be necessary.

Section 10 Outside Employment

Employees shall not perform duties unrelated to District employment during duty hours. In addition, employees shall not engage in employment which conflicts with their school duties. Employees are not required to notify the District of outside employment except: (1) employees who are also employed by another Nebraska school district in order to comply with Nebraska State Retirement System regulations and (2) employees who have a work-related injury in order to comply with workers' compensation requirements.

Article 5 – USE OF SCHOOL FACILITIES AND EQUIPMENT

Section 1 Drug-Free Workplace

The District has established the school as a drug free workplace. The drug-free workplace for this purpose includes school grounds, school utilized vehicles, and places in which school activities are held.

The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. The possession, use or distribution of illicit drugs or alcohol, the use of glue or aerosol paint or any other chemical substance for inhalation, and being under the influence of illicit drugs, alcohol, or inhalants, is prohibited in any place while employees are on duty time. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol on an employee in the work place or on duty time shall be a violation of the drug-free workplace. 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.

As a condition of employment employee will abide by the District's drug-free workplace policies and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed for violations of the District's drug-free workplace policies. Sanctions may include the requirement that the employee complete an appropriate rehabilitation program, a reprimand, and termination of employment. Drug and alcohol counseling and rehabilitation and reentry programs are available through local health agencies.

Section 2 Smoke and Tobacco-Free Workplace

The use of tobacco products is prohibited in all buildings and all vehicles owned or under the control of the District. Smoking is also prohibited in any outdoor areas where others may be affected by smoke, including areas near the entry of buildings.

Section 3 Weapon-Free Workplace

The District prohibits any person 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.

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:

- 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;
- 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. 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; and
- h. An employee may possess mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes and 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.

- i. 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.
- j. Any other object that is designed for or intended for use as a destructive or injurious device.

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, briefcase, backpack, or purse.

Section 4 Use of School Facilities

An employee who is issued school keys/fobs is 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 such access is for work-related purposes and the Principal or supervisor has given permission for such access. 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.

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, must not be removed for non-school use without approval from the Principal.

Section 5 Care of School Property

Employees are responsible for the proper care of all books, equipment, supplies and furniture supplied by the school. If an item is in need of maintenance or repair, report it to the Principal. If you learn that a student has damaged school property or equipment, or if you are responsible for damage to school property, promptly report it to the Principal so the item may be replaced or repaired if possible and appropriate responsibility for the cost of replacement or repair may be determined.

Section 6 Use of Telephone

Personal telephone calls shall not be made during duty time except in the event of an emergency. Long distance personal calls on school telephones are prohibited.

Section 8 Visitors

Employees are not to have visitors while on duty other than as appropriate for the performance of their duties 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. Employees are responsible for ensuring that their visitors follow procedures for being on District property, including checking in. Employees are not to bring their children/grandchildren to work with them during working hours.

Section 9 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 District 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.

Section 10 Video Surveillance

The Board of Education has authorized the use of video cameras on District property to ensure the health, welfare and safety of all staff, students and visitors to District property, and to safeguard District facilities and equipment. Video cameras may be used in locations as deemed appropriate by the Superintendent.

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

Section 11 Bulletins and Web Page

Bulletin boards and electronic media (web page) and other communication devices are maintained for the purposes of conveying information about the District's activities and programs and for educational purposes related to such activities and programs. The District's communication devices are designated as non-public forums, meaning that the devices are not open for public use.

Information posted or displayed on the District's communication devices may not include political advertising, communications promoting particular religious beliefs, controversial topics or positions not consistent with the mission of the District, or communications that promote activities not suitable for school-age children.

Any website links on the District's web page that are permitted to be posted shall not be considered to be endorsed or sponsored by the District. The District makes no representations or warranties of any kind with regard any such links.

Section 12 Copyright and Fair Use Policy

It is the District's policy to follow the federal copyright law. Employees are reminded that, when using school equipment and when performing school duties, 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 administration if there are any questions regarding what may be copied.

Section 13 Safety

Safety Program and Safety Committee

The District has established a Safety and Security Management Plan which includes safety and security

plans and procedures, including plans and procedures to address emergency and crisis situations. Employees are expected to be familiar with and to comply with the Safety and Security Management Plan. The Plan may be obtained for review or copy from the Principal or the Superintendent.

Safety Practices

Guidelines for safe work practices for employees include the following:

- 1. Never 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 wear protective equipment (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.
- 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.
- Report any injuries or medical problems to your supervisor immediately and complete the employee accident report.
- 9. Wear seatbelts when in vehicles where provided.
- 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.

As required by law, approved safety glasses will be required of every student and employee while participating in or observing vocational, technical, industrial technology, science, and art classes. All visitors to these areas must check out a pair of safety glasses when entering any of these areas.

Safe Driving

Employees who drive school vehicles must have a valid driver's license and keep license up-to-date and fulfill other requirements for training etc.

Employees who drive school vehicles are responsible for following safe driving practices and are responsible for any injury or accident. Employees are to abide by all rules of the road and any applicable rules of the Nebraska Department of Education and the District relating to driving a motor vehicle. Seat belts and child restraint systems will be utilized by all occupants. When transporting students while using a school vehicle, employees are not to use cell phones or otherwise engage in distracted driving. This rule applies to the driver when the vehicle is in motion. The only exception would be in the case of emergencies.

Accidents

Every accident which results in a personal injury must be reported to the Principal or supervisor immediately. In the event the injury involves a student, the employee who is responsible for the supervision of the student is responsible for making the report. If the injury occurs in the presence of the employee, the employee is also responsible for making a report.

Workers Compensation

Employees are required to immediately report any work-related injury and/or work-related medical condition to their supervisor and complete all appropriate paperwork.

Article 6 – STATE AND FEDERAL PROGRAMS

Section 1 Notice of Nondiscrimination

Douglas County West Community Schools does not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion or age in admission or access to, or treatment of employment, in its programs and activities. The Coordinators listed in Section 2 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

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

8930 Ward Parkway

1801 L Street, N.W. Washington, D.C. 20507

Suite 2037 Kansas City, MO 64114

(800) 669-4000; TDD: (800) 669-6820

816-268-0550

FAX: 816-823-1404; TDD: 800-437-0833

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

Section 2 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 the coordinator is: Douglas County West Community Schools, 401 South Pine Street, P.O. Box 378, Valley, Nebraska 68064; Phone: (402) 359-2583:

Law, Policy or Program	Issue or Concern	Coordinator
Title VI	Discrimination or harassment based	Superintendent
	on race, color, or national origin;	***
	harassment	
Title IX	Discrimination or harassment based	Superintendent
	on sex; gender equity	
Section 504 of the	Discrimination, harassment or	Superintendent
Rehabilitation Act and the	reasonable accommodations of	Special Services Director for student
Americans with Disability	persons with disabilities	matters
Act (ADA)		
Homeless student laws	Children who are homeless	Superintendent
Safe and Drug Free Schools	Safe and drug free schools	Superintendent
and Communities		

Section 3 Anti-discrimination & Harassment Policy

Policy of Non-Discrimination

The policy of Douglas County West Community Schools is to not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion or age in admission, access, or treatment with regard to its programs and activities or with regard to employment. The District and its staff shall comply with all applicable state and federal laws prohibiting discrimination.

Article 6 – State and Federal Programs

Decisions with regard to employment, discharge, compensation, and terms and conditions of employment shall not be made based on race, color, religion, sex, age, marital status, disability, or national origin or other protected status. There shall be no discrimination against an applicant or employee because of membership or activity in an employee organization or because of protected free speech activities.

Preventing Harassment and Discrimination

Douglas County West Community Schools is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination or harassment of any kind by administrators, teachers, and other employees, students or other persons is prohibited. In addition, the District will endeavor to protect employees and students from reported discrimination or harassment by non-employees or others in the work place and educational environment.

For purposes of this policy, discrimination or harassment based on a person's race, color, national origin, gender, marital status, disability, religion or age is prohibited. The following are general definitions of what might constitute prohibited harassment:

- In general, verbal or physical conduct relating to a person's protected status constitutes harassment when the conduct unreasonably interferes with the person's work performance or creates an intimidating work, instructional or educational environment.
- 2. Age harassment has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidation based on a person's age.
- 3. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or physical or verbal conduct of a sexual nature by supervisors or others in the work place, classroom or educational environment. Sexual harassment may exist when:
 - Supervisors or managers make submission to such conduct either an explicit or implicit term and condition of employment (including hiring, compensation, promotion, or retention);
 - b. Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment related decisions such as promotion, performance evaluation, pay adjustment, discipline, work assignment, etc.
 - c. The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working, class room or educational environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

Grievance Procedures

- 1. Employees should initially report all instances of discrimination or harassment to their immediate supervisor. However, if the employee is uncomfortable in presenting the problem to the supervisor, or if the supervisor is the problem, the employee is encouraged to go to the next level of supervision.
- If the employee's complaint is not resolved to his or her satisfaction within five to ten working days, or if the discrimination or harassment continues, please report your complaint to the Superintendent. If a satisfactory arrangement cannot be obtained through the Superintendent, the complaint may be processed to the Board of Education.
- 3. The supervisor or the Superintendent will thoroughly investigate all complaints. These situations will be treated with the utmost confidence, consistent with resolution of the problem. Based on the results of the investigation, appropriate corrective action, up to and including discharge of offending employees or removal of offending students may be taken.
- 4. The person who makes the complaint shall not be threatened or retaliated against for alleging a violation of this anti-discrimination policy or for use of this grievance procedure.

Section 4 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 by employees of alleged violations of the ADA or Section 504:

- 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

Article 6 – State and Federal Programs

- 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.
- 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 with the Complainant or a longer period is reasonably necessitated by the circumstances. 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. The Complainant shall be deemed to have accepted the proposed resolution unless the Complainant rejects the proposed resolution within such time period.
- 6. In the event the Complainant rejects the proposed resolution, the Complainant shall be given the opportunity to file a request for reconsideration within ten (10) days from the date the Coordinator's decision is sent to the Complainant. The request for reconsideration shall be filed with the Coordinator. Upon receipt of the request for reconsideration, the Coordinator shall promptly forward the request for reconsideration and all evidence received by the Coordinator in connection with the Complaint to a third person for review (either an administrator or other employee of the District, or members of the Board of Education or Committee of the Board).
- 7. A decision on the request for reconsideration shall be made within ten (10) days after the request for reconsideration was filed unless the Board or Committee of the Board is the reviewer, in which event the decision shall be made within thirty (30) days of the filing of the request for reconsideration, unless such time period is extended by agreement with the Complainant or a longer period is reasonably necessitated by the circumstances.

Section 5 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.

Section 6 Disclosure of Student Information to Military Recruiters and Colleges

The No Child Left Behind Act of 2001 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. Employees are expected to follow these requirements.

Section 7. 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 program confidential.

Section 8. 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 Superintendent 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.