ARTICLE 4  HUMAN RESOURCES  (Series 4000)

POLICY  REGULATION

PURPOSE  4000

SELECTION

EMPLOYEE CLASSIFICATIONS  4100

Employee Classifications  4100.1
Job Descriptions  4100.2
Probationary/Permanent Certificated Employee Status  4100.3
Substitute Teachers  4100.4

RECRUITMENT  4200

Recruitment Procedures for Employees  4200.1
Equal Employment Opportunity (EEO) and Recruitment  4210
Vacancy Notice  4220
Vacancy Notification Procedures  4220.1

SELECTION AND ASSIGNMENT OF EMPLOYEES  4300

Screening and Selection  4300.1
Transfer of Employees  4300.2
Fitness for Duty Requirements  4300.3
Employment of Family Members  4310
Procedure for Employment of Family Members  4310.1

Employment of Staff  4320
Personnel Records  4330

Employee Records  4330.1
Personnel Lists  4330.2
Shredding Consumer Reports  4330.3
Social Security Numbers  4330.4
Workplace Privacy  4330.5

Continued Employment – Certificated Employees  4340
Continued Employment – Certificated Employees  4340.1
Requirements for Permanent Status  4340.2

SEPARATION  4400

Resignation  4400.1
Contract Termination, Cancellation or Non-Renewal - Certificated Employees  4400.2
Termination - Classified and Hourly Employees  4400.3
## ARTICLE 4  HUMAN RESOURCES  (CONTINUED)  (Series 4000)

<table>
<thead>
<tr>
<th>POLICY</th>
<th>REGULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Return of District Property upon Separation or Leave of Absence</td>
<td>4400.4</td>
</tr>
<tr>
<td><strong>Reduction in Force for Certificated Employees</strong></td>
<td>4420</td>
</tr>
<tr>
<td><strong>Reduction in Force – Non-Administrative Certificated Employees</strong></td>
<td>4420.1</td>
</tr>
<tr>
<td><strong>Reduction in Force – Administrative Certificated Employees</strong></td>
<td>4420.2</td>
</tr>
</tbody>
</table>

### SUPPORT

<table>
<thead>
<tr>
<th>POLICY</th>
<th>REGULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSOCIATIONS</strong></td>
<td>4500</td>
</tr>
<tr>
<td>Negotiations</td>
<td>4510</td>
</tr>
<tr>
<td>Grievances and Complaints</td>
<td>4520</td>
</tr>
</tbody>
</table>

### COMPENSATION

<table>
<thead>
<tr>
<th>POLICY</th>
<th>REGULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedures for Salary Payments</td>
<td>4600.1</td>
</tr>
<tr>
<td>Overtime</td>
<td>4600.2</td>
</tr>
<tr>
<td>Employee Extra Assignments</td>
<td>4600.3</td>
</tr>
<tr>
<td>Extra-Standard Assignments</td>
<td>4600.4</td>
</tr>
<tr>
<td>Wage and Deduction Information</td>
<td>4600.5</td>
</tr>
<tr>
<td><strong>Employee Benefits</strong></td>
<td>4610</td>
</tr>
<tr>
<td>Employee Benefits Committee</td>
<td>4610.1</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>4610.2</td>
</tr>
<tr>
<td>Employee Insurance Committee</td>
<td>4610.3</td>
</tr>
<tr>
<td>Patient Protection and Affordable Care Act (PPACA)</td>
<td>4615</td>
</tr>
<tr>
<td><strong>Retirement Benefits</strong></td>
<td>4620</td>
</tr>
<tr>
<td>Lincoln Public Schools Retirement Plan</td>
<td>4620.1</td>
</tr>
<tr>
<td><strong>Employee Assistance Program</strong></td>
<td>4630</td>
</tr>
<tr>
<td></td>
<td>4630.1</td>
</tr>
<tr>
<td><strong>Absences from Work</strong></td>
<td>4640</td>
</tr>
<tr>
<td>Leave for Health Reasons</td>
<td>4640.1</td>
</tr>
<tr>
<td>Military and Family Military Leave</td>
<td>4640.2</td>
</tr>
<tr>
<td>Exchange Teacher Leave</td>
<td>4640.3</td>
</tr>
<tr>
<td>Civic Leave – Certificated Staff</td>
<td>4640.4</td>
</tr>
<tr>
<td>Civic Leave – Classified Staff</td>
<td>4640.5</td>
</tr>
<tr>
<td>Leave of Absence</td>
<td>4640.6</td>
</tr>
<tr>
<td>Jury Duty</td>
<td>4640.7</td>
</tr>
<tr>
<td>Professional Leave</td>
<td>4640.8</td>
</tr>
<tr>
<td>Professional Travel Guidelines</td>
<td>4640.9</td>
</tr>
<tr>
<td><strong>Travel Reimbursement</strong></td>
<td>4650</td>
</tr>
</tbody>
</table>
## Article 4: Human Resources (Series 4000)

### Policy

**Private Tutoring**

Guidelines for Private or Group Teaching or Tutoring Outside of District Assignment

**Risk Management**

- Risk Management
- Workers’ Compensation
- Risk Management and Safety Committee

**Tort Claims**

- Damage, Loss and Theft Collections

### Regulations

<table>
<thead>
<tr>
<th>Policy</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4660</td>
<td>4660.1</td>
</tr>
<tr>
<td>4670</td>
<td>4670.1</td>
</tr>
<tr>
<td>4670.1</td>
<td>4670.2</td>
</tr>
<tr>
<td>4670.2</td>
<td>4670.3</td>
</tr>
<tr>
<td>4680</td>
<td>4690.1</td>
</tr>
<tr>
<td>4700</td>
<td>4710.1</td>
</tr>
<tr>
<td>4710</td>
<td>4710.1</td>
</tr>
<tr>
<td>4720</td>
<td>4730.1</td>
</tr>
<tr>
<td>4730</td>
<td>4730.1</td>
</tr>
<tr>
<td>4740</td>
<td>4740.1</td>
</tr>
<tr>
<td>4750</td>
<td>4750.1</td>
</tr>
<tr>
<td>4760</td>
<td>4760.1</td>
</tr>
<tr>
<td>4770</td>
<td>4772.1</td>
</tr>
<tr>
<td>4772</td>
<td>4775.1</td>
</tr>
<tr>
<td>4780</td>
<td>4780.1</td>
</tr>
<tr>
<td>4790</td>
<td>4790.1</td>
</tr>
<tr>
<td>4800</td>
<td>4800.1</td>
</tr>
<tr>
<td>4810</td>
<td>4810.1</td>
</tr>
<tr>
<td>4820</td>
<td>4820.1</td>
</tr>
<tr>
<td>4825</td>
<td>4825.1</td>
</tr>
<tr>
<td>4830</td>
<td>4830.1</td>
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<tr>
<td>4840</td>
<td>4840.1</td>
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<td>4850.1</td>
</tr>
<tr>
<td>4860</td>
<td>4860.1</td>
</tr>
<tr>
<td>4865</td>
<td>4865.1</td>
</tr>
</tbody>
</table>

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**Lincoln Public Schools**

Available online at lps.org/about/policies
ARTICLE 4  HUMAN RESOURCES  (Series 4000)  (CONTINUED)

POLICY  REGULATION

Non-District Employment  4870  
Anti-Discrimination and Harassment  4880  
   Anti-Discrimination and Harassment  4880.1  
   Discrimination and Harassment  4880.2  
   Reporting Procedure  4880.3  
Tobacco Products in School Buildings and on School Grounds  4890  
   Tobacco Products are Prohibited  4890.1  

Drug-free Schools  4900  
   Drugs and Alcohol Prohibited  4900.1  
   Alcohol and Drug Testing  4900.2  

Employee Fitness for Duty  4910  
Employee Health Issues  4920  
   Communicable or Infectious Disease  4920.1  
   Other illnesses, Injuries or Conditions  4920.2  
   Health Care Response Team  4920.3  
   Emergency Medical Treatment  4920.4  

DEVELOPMENT

Professional Development  4930  
Orientation and Induction of Employees  4940  
   Orientation  4940.1  
   Induction  4940.2  

Professional Growth Requirements — Certificated Employees  4950  
   Professional Growth Activities — Certificated Employees  4950.1  

Appraisal  4960  
   Appraisal Procedures  4960.1  
   Appraisal — Certificated Employees  4960.2  
      Other Than Administrators  4960.2  
   Appraisal of Certificated Administrators  4960.3  

Practicum Students and Student Teachers  4970
HUMAN RESOURCES

Purpose

In order to support the Lincoln Board of Education and its mission to provide the highest quality education for all, the Human Resources Division, through the administrative direction of the Associate Superintendent for Human Resources, will facilitate the recruitment, selection, support and development of all employees so that each student receives the maximum opportunity for growth.

The Human Resources Division provides leadership and coordination throughout the District related to the following functions:

1. Personnel.
2. Employee Benefits.
3. Risk Management.
4. Staff Development for Certificated, Classified and Hourly Staff.
5. Employee Relations.
HUMAN RESOURCES

Employee Classifications

Lincoln Public Schools classifies employees into three general categories:

1. Certificated employees are employees performing duties requiring a certificate issued or license accepted by the Commissioner of Education. Although substitute teachers hold a certificate, they are not included in this category for the purposes of employee classification.

2. Classified employees are employees with regular work assignments whose job classifications do not require a certificate issued by the Commissioner of Education. Classified employees are at-will employees, unless otherwise designated.

3. Hourly employees (i.e. substitute teachers, summer crew, etc.) are at-will employees.
HUMAN RESOURCES

Employee Classifications

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 and substitutes for certificated and classified staff.
HUMAN RESOURCES

Job Descriptions

Job descriptions for the various employment positions are developed and maintained by the Human Resources Division. Each job description indicates whether a position is exempt or nonexempt in accordance with the Fair Labor Standards Act (FLSA).

Employees must maintain all licensure or certification required by the position as a condition of continued employment. The employee must immediately report the loss or suspension of licensure or certification to the appropriate supervisor in Human Resources.

Reviewed and Remains in Effect as Written: 2015-01-27
Date of Last Revision: 2009-04-14
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Probationary/Permanent Certificated Employee Status

Probationary certificated employees and permanent certificated employees, commonly referred to as tenured employees, shall be as defined in state statute.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 79-824 to 79-842
Legal Reference:
HUMAN RESOURCES

Substitute Teachers

Substitute teachers must meet all applicable requirements of Lincoln Public Schools, the Nebraska Department of Education and state law. Substitute teachers are appointed on a temporary basis and are not covered under the provisions of the Nebraska Teacher Employment Act. The process for assigning substitute teachers is determined by Human Resources.

Substitute teacher guidelines are covered by the Substitute Teacher Handbook and classified employee substitutes are covered by the Classified Employee Handbook. Procedures for obtaining substitute teachers are covered in the Teacher Absence Handbook.

All substitute teachers are required to assume duties as directed, and are subject to the same rules and regulations as teachers.

Date of Last Revision: 2015-01-27
Related Policies and Regulations: 79-802; 79-824 to 79-842; 79-902 et seq.
Legal Reference: 79-802; 79-824 to 79-842; 79-902 et seq.
HUMAN RESOURCES

Recruitment

To attain the goal of selecting the best qualified and diverse employees, the Lincoln Public Schools maintains a comprehensive, aggressive program of staff recruitment and retention.
HUMAN RESOURCES

Recruitment Procedures for Employees

Elements of the Lincoln Public Schools recruitment program include:

1. Contacts with agencies and institutions which supply personnel.
2. Global advertising of available positions.
3. Staff visits to college campuses.
4. Participation in job and career fairs.
5. Regular publication of vacancies.
6. Practicum and student teacher placements.

It is the responsibility of the Associate Superintendent for Human Resources or designee to determine the personnel needs of the School District and to identify suitable candidates to recommend for employment to the Lincoln Board of Education. Recruitment costs are part of the Human Resources budget.

Date of Last Revision: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Equal Employment Opportunity (EEO) and Recruitment

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, pregnancy, childbirth or related medical condition, sexual orientation, veteran status or any other protected class under state or federal law.

Reviewed and Affirmed by the Board:

Last Revision: 2017-12-12
Original Adoption or Oldest Version: 2015-08-25
Related Policies and Regulations:
Legal Reference:

HUMAN RESOURCES

Vacancy Notice

The decision to publicize a vacancy will be made by Human Resources staff in compliance with negotiated agreements, any Lincoln Board of Education directives and applicable state and federal laws. Appropriate notice of vacancies will be given in an effort to provide existing staff members and external applicants the opportunity to apply.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-03-24
Original Adoption or Oldest Version: 2015-03-24
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Vacancy Notification Procedures

Human Resources utilizes the following process for notification of vacancies:

1. The supervisor notifies Human Resources of the need to fill a vacancy.
2. Human Resources verifies if budget approval exists for the position and the position conforms with any Lincoln Board of Education directives.
3. The job description is created or reviewed.
4. Human Resources determines if the vacancy will be advertised prior to filling the vacancy.

Date of Last Revision: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Selection and Assignment of Employees

The process for the selection and assignment of staff is the responsibility of the Human Resources Division. It shall be the duty of the Associate Superintendent for Human Resources or designee to assure that all persons meet the qualifications established by law and the Lincoln Board of Education for the position. The Lincoln Public Schools shall strive to attract and retain the best qualified personnel available for every position.

The selection procedure is uniformly applied to every candidate. 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, pregnancy, childbirth or related medical condition, sexual orientation, veteran status or any other protected class under state or federal law.

Human Resources maintains pools of potential applicants for the most frequently filled positions in order to reduce the time needed to fill vacancies.

The assignment or reassignment of administrators is the right of the Superintendent.
HUMAN RESOURCES

Screening and Selection

The Human Resources Division coordinates the applicant screening and selection process. This process is uniformly applied to every candidate for a particular position, but can vary depending upon the position. Candidates may be eliminated from consideration throughout the process.

1. All persons must complete the appropriate application and provide requested accompanying documentation prior to consideration for employment.

2. The Human Resources Division coordinates an examination of the application and supporting material.

3. The rehiring of a former employee is contingent on a positive performance review. A former employee who was terminated, or who resigned in lieu of termination, for reason of violating a workplace conduct rule or unsatisfactory job performance is not eligible for rehire.

4. Reference checks are completed.

5. Structured interviews are coordinated by the Human Resources Division.

6. A supervisor conducts one or more interviews.

7. The supervisor makes a recommendation to the Human Resources Division concerning the selection for the position.

8. The Human Resources supervisor makes a conditional job offer and initiates background checks, including but not limited to criminal history, sexual offenses, child abuse; and any other requirement(s) for the position, i.e. post offer physical, Department of Transportation physical, licensing, etc.

9. Upon completion of the above checks, the Associate Superintendent for Human Resources recommends acceptable candidates to the Lincoln Board of Education.

10. The Board makes the final decision concerning the employment of the candidate.

Reviewed and Remains in Effect as Written: 2015-08-25
Date of Last Revision: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Transfer of Employees

The following procedure applies to certificated and classified employees:

1. Staff may request a transfer to an assignment following established procedures and practices.

2. 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.

3. Transfers may be made administratively by the Human Resources Division.

4. With Human Resources approval, supervisors may change assignments within a building or department for similar positions.
HUMAN RESOURCES

Fitness for Duty Requirements

Applicants must be physically and mentally capable of performing the essential functions with or without reasonable accommodations for the job to which they are applying. The School District complies with all federal and state laws regarding the collection of pre-employment health and medical information.

Some positions have physical requirements which must be demonstrated by satisfactorily completing the post-offer physical exam at the facility designated by the District. This will only be required after a conditional offer of employment has been made. The cost of such exams will be covered by the District.

Reviewed and Remains in Effect as Written: 2015-08-25
Related Policies and Regulations:
Legal Reference:

48-1107.02; Americans with Disabilities Act
HUMAN RESOURCES

Employment of Family Members

1. A member of the Lincoln Board of Education, administrator or other employee with supervisory responsibilities may employ, recommend or supervise the employment of an immediate family member if:

   a. He or she does not abuse his or her official positions as such “abuse” is defined at paragraph 5 below;
   b. He or she makes a full disclosure on the record to the Board and a written disclosure to the Superintendent and/or Secretary of the Board; and,
   c. The Board approves the employment or supervisory position.

2. No immediate family member of a Board member, administrator or other employee with supervisory responsibilities shall be employed by the School District:

   a. Without the School District first having made a reasonable solicitation and consideration of applicants for such employment.
   b. Who is not qualified for or able to perform the duties of the position.
   c. For any unreasonably high salary.
   d. Who is not required to perform the duties of the position.

3. The Board, administrators or other employees with supervisory responsibilities shall not terminate the employment of an employee so as to make funds or a position available for the purpose of hiring an immediate family member.

4. Prior to, or as soon as reasonably possible after, the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.

5. Abuse of an official position includes, but is not limited to, employing an immediate family member:

   a. Who is not qualified for or able to perform the duties of the position;
   b. For any unreasonably high salary; or,
   c. Who is not required to perform the duties of the position.
HUMAN RESOURCES

Employment of Family Members (Continued)

6. A member of the Board may not be employed to teach in the School District. A member of the Board may not cast a vote in the election of any employee when the Board member is related by blood or marriage to such employee.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference: 49-1499.04 et seq.; 79-544; 79-818
HUMAN RESOURCES

Procedure for Employment of Family Members

1. The Superintendent or Superintendent’s designee shall provide each Lincoln Board of Education member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting of the Board. In addition, any newly appointed or elected Board member shall be provided such statutes.

2. A notification form identifying family members will be provided to Board members and employees for filing with the Secretary of the Board in the event of the applicability of Policy 4310.

3. The Secretary of the Board will maintain an official file of such notifications which will be available for public examination.

4. A copy of the statement of a family relationship of an employee subject to Policy 4310 will be maintained in the newly-hired employee’s file. Prior to the Board taking action with regard to employment a statement will be made for the record of such family relationship. The minutes of the meeting will reflect such statement.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 8260, 8260.1
Legal Reference: 49-1499.04 et seq.; 79-544; 79-818
HUMAN RESOURCES

Employment of Staff

Upon the recommendation of the Superintendent or the Associate Superintendent for Human Resources, the Lincoln Board of Education shall employ staff to conduct the educational, operational and business affairs of the District.

The Associate Superintendent for Human Resources or designee shall notify each employee of the election and shall be responsible for completing the required documentation. The Human Resources Division shall keep accurate records of all employment and records of service.
HUMAN RESOURCES

Personnel Records

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

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

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

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

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

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

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference: 27-503; 79-539; 78-8,109;
Section 7 of the Privacy Act of 1974, as amended, 5 U.S.C. § 552a (note)
HUMAN RESOURCES

Employee Records

1. The official personnel records of all employees shall be maintained by the District Human Resources Division.

2. An employee’s personnel file may contain an application and supporting documentation, personnel action forms, evaluative materials, contracts and other documents as determined by the Associate Superintendent for Human Resources or designee.

3. Determination of what becomes or remains part of the personnel file is the responsibility of the Associate Superintendent of Human Resources or designee.

4. An employee or authorized representative can only review his/her personnel file by scheduling an appointment with an administrator or supervisor in the Human Resources Division.

5. At the time of the personnel records appointment, the employee will sign acknowledgement of the review.

6. A teacher, administrator or other employee shall have the opportunity, upon request, to review the employee’s personnel file and to include a response in the personnel file.

7. Anonymous letters, materials and/or records of anonymous phone calls shall not be placed in an employee’s personnel file.

8. The District will maintain other employee records as necessary to conduct business and comply with all state and federal rules, regulations and laws. These records are only available for review by designated administrators and supervisors. Examples of these records may include, but are not limited to, medical records, background checks, Employment Eligibility Verifications (I-9) forms, payroll records, HCRT/ADA and workers’ compensation files.

Date of Last Revision: 2015-01-27
Related Policies and Regulations: 79-539; 79-8,109
Legal Reference: 79-539; 79-8,109
HUMAN RESOURCES

Personnel Lists

Personnel lists and any District staff directory will not be provided to any person or agent other than District personnel, without the permission of the Associate Superintendent for Human Resources or designee. Upon written request, the Associate Superintendent for Human Resources or designee will provide names of employees by building. Employees’ home addresses, phone numbers and social security numbers constitute personal information regarding District personnel and will not be disclosed. Employees’ home addresses and phone numbers do not constitute routine directory information.

The District designates the following information as “directory information” and will give parents/guardians such information upon request:

1. Whether the certificated staff member has met State qualifications and licensing criteria for the grade levels and subject areas in which the certificated staff member provides instruction.

2. Whether the certificated staff member is teaching under an emergency or provisional teaching certificate.

3. The baccalaureate degree major of the certificated staff member, along with information about other graduate certification or degrees held by the certificated staff member, and the field of discipline of the certification or degree.

4. Whether the child has been assigned, or has been taught for four or more consecutive weeks, by a certificated staff member who does not meet the requirements of the No Child Left Behind Act.

5. The qualifications of the paraeducator assigned to their child.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference: 84-712.05; NCLB (34 CFR 200.61)
HUMAN RESOURCES

Shredding Consumer Reports

Lincoln Public Schools will take reasonable measures to protect against unauthorized access to consumer information from consumer reports. A consumer report includes criminal background checks performed on applicants or employees by a third party. It does not include criminal checks performed by school staff.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with its disposal include the following examples. These examples are illustrative only and are not exclusive or exhaustive methods for complying with this directive.

1. Shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed. Burning or pulverizing such papers are also options, where appropriate.

2. Destruction or erasure of electronic media containing consumer information so that the information cannot practicably be read or reconstructed.

3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material in a manner consistent with this directive.

This does not require that the consumer reports information be disposed of; rather, it specifies the action to be taken whenever such disposal occurs. Questions regarding the disposal of consumer reports information should be directed to the Superintendent or the Superintendent’s designee.

1“The term ‘consumer report’ means any written, oral or other communication of any information by a consumer reporting agency bearing on a consumer’s creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility for … (B) employment purposes.” Fair Credit Reporting Act, 15 U.S.C. § 1681a(3).

2 The FTC rule states: “In this context, due diligence could include reviewing an independent audit of the disposal company’s operations and/or its compliance with this rule, obtaining information about the disposal company from several references or other reliable sources, requiring that the disposal company be certified by a recognized trade association or similar third party, reviewing and evaluating the disposal company’s information security policies or procedures or taking other appropriate measures to determine the competency and integrity of the potential disposal company.”
HUMAN RESOURCES

Social Security Numbers

Employee social security numbers shall be kept confidential to the extent required by law. Use of more than the last four digits of an employee’s social security number shall be made by the District only for:

1. **Legal Mandates.** Compliance with state or federal laws, rules or regulations.
2. **Internal Administration.** Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:
   a. As an identification number for occupational licensing.
   b. As an identification number for drug-testing purposes except when required by state or federal law.
   c. As an identification number for District meetings.
   d. In files with unrestricted access within the District.
   e. In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
   f. For posting any type of District information.
3. **Voluntary Transactions.** Commercial transactions freely and voluntarily entered into by the employee with the District for the purchase of goods or services.

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

1. **Public Posting or Display.** Any public posting or display available to the general public or to an employee’s coworkers.
2. **Internet Transmission.** Transmission over the Internet unless the connection is secure or the information is encrypted.
3. **Internet Access.** To access an Internet website unless a password, unique personal identification number or other authentication device is also required to access the Internet website.
4. **Identifier.** As an employee number for any type of employment-related activity.

Date of Last Revision: 2015-01-27
Legal Reference: 5 USCS § 552a (note) (Privacy Act of 1974)
HUMAN RESOURCES

Workplace Privacy

1. The District will abide by the Nebraska Workplace Privacy Act and will not:

   a. Require or request that an employee or applicant provide or disclose any user name or password or any other related account information in order to gain access to the employee’s or applicant’s personal Internet account by way of an electronic communication device;

   b. Require or request that an employee or applicant log into a personal Internet account by way of an electronic communication device in the presence of the District in a manner that enables the District to observe the contents of the employee’s or applicant’s personal Internet account or provides the District access to the employee’s or applicant’s personal Internet account;

   c. Require an employee or applicant to add anyone, including the District, to the list of contacts associated with the employee’s or applicant’s personal Internet account or require or otherwise coerce an employee or applicant to change the settings on the employee’s or applicant’s personal Internet account which affects the ability of others to view the content of such account;

   d. Take adverse action against, fail to hire or otherwise penalize an employee or applicant for failure to provide or disclose any of the information or to take any of the actions prohibited by the Workplace Privacy Act.

   e. Require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment.

Notwithstanding anything to the contrary, all employees must abide by the District’s technology policies, procedures and guidelines, including the District’s Internet Use policy and/or practice. Pursuant to the Workplace Privacy Act, the District may also:

   a. Monitor, review, access or block electronic data stored on an electronic communication device supplied by or paid for in whole or in part by the District or stored on the District’s network, to the extent permissible under applicable laws;

   b. Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act;
HUMAN RESOURCES

Workplace Privacy (Continued)

c. Conduct an investigation or require an employee to cooperate in an investigation if the District has specific information about potentially wrongful activity taking place on the employee’s personal Internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements or prohibitions against work-related employee misconduct;

d. Any other reason permitted by the Workplace Privacy Act.

Date of Last Revision: 2016-06-28
Related Policies and Regulations: 
Legal Reference: Laws 2016, LB 821
HUMAN RESOURCES

Continued Employment – Certificated Employees

As per state law, each certificated employee is required to indicate by March 15 or an otherwise announced later date of each year whether or not the employee plans to return as an employee in the Lincoln Public Schools for the next school year. This information will be used to assist in making staffing decisions for the next school year. Failure to notify the District by the established date may serve as a basis for non-renewal or termination of the contract.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference: 79-829
HUMAN RESOURCES

Continued Employment – Certificated Employees

1. Annually, the Associate Superintendent for Human Resources will determine the last date for return of all contract renewal letters.

2. All certificated employees with continuing contract status will be notified of the deadline and provided with a form to indicate their intent for the next school year.

3. Failure to indicate their intent by the established date may serve as a basis for non-renewal or termination of the contract.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference: 79-829
HUMAN RESOURCES

Requirements for Permanent Status

Probationary certificated employees must complete the following District requirements for permanent status (tenure):

1. Creating an Environment for Learning, 2 credits
2. Instructional Practices in Lincoln Public Schools, 2 credits
3. Meeting Needs of Exceptional Learners, 2 credits
HUMAN RESOURCES

Separation

The Associate Superintendent for Human Resources or designee will process all retirements, resignations, cancellations, contract amendments, non-renewals and terminations of employment. The Associate Superintendent for Human Resources will make recommendations for appropriate action to the Superintendent and Lincoln Board of Education.

In furtherance of duties and responsibilities with regard to employment separations along with disciplinary actions short of employment separation, investigatory matters and other necessary Human Resources Division activities, and in addition to other power and authority established by policy, the Associate Superintendent for Human Resources is granted full power and authority to (1) act as the Board or the Superintendent’s designee in all employment and Human Resources Division related activities or matters, (2) issue subpoenas to compel the attendance of witnesses to all matters that may come before the Human Resources Division or for the purpose having such witnesses’ deposition taken, (3) issue subpoenas for the production of any papers, books, accounts and documents, and (4) determine that a hearing shall be conducted by a hearing officer as well as selecting the hearing officer.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference: 79-521; 79-824 to 79-849
HUMAN RESOURCES

Resignation

Staff members who wish to resign from the Lincoln Public Schools must complete the appropriate form or a letter of resignation and submit it to the Human Resources Division.

Resignation of Certificated Employees

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

Resignation of Classified and Hourly Employees

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

Contract Termination, Cancellation or Non-Renewal — Certificated Employees

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

Supervisors shall notify the appropriate Human Resources supervisor about certificated employees with performance deficiencies or inappropriate behaviors at the earliest opportunity.

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:

79-824 to 79-849
HUMAN RESOURCES

Termination — Classified and Hourly Employees

Any supervisor considering recommending employment termination shall consult with the Associate Superintendent for Human Resources or designee on procedural matters.

The Associate Superintendent for Human Resources recommends terminations to the Superintendent and to the Lincoln Board of Education for approval.

Lincoln Public Schools may give two weeks notice prior to the effective date of termination, severance pay in lieu of notice, or choose, in the administration’s discretion (for example, in the event of gross misconduct), to give no advance notice or severance pay.

Nothing in Board policy, administrative regulations or practices, or in any evaluation instrument or in the appraisal process or program for classified or 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 classified or 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 classified or hourly staff at any time without cause. All classified and hourly staff are at-will employees. All classified and 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 classified or hourly staff for any specific period of time or to make any agreement contrary to the foregoing.
HUMAN RESOURCES

Return of District Property upon Separation or Leave of Absence

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 unless otherwise approved by the Associate Superintendent of Human Resources or the designee.
HUMAN RESOURCES

Reduction in Force for Certificated Employees

Any reduction in force will comply with state law. A reduction in force of a non-administrative certificated employee will also comply with the negotiated agreement.
HUMAN RESOURCES

Reduction in Force – Non-Administrative Certificated Employees

Annually, certificated staffing needs are determined through staffing conferences and the budget process. When there are more certificated employees to whom the District has a contractual obligation than there are appropriate positions, the following process is initiated.

Reduction in Force (RIF) shall be defined as reduction in staff by termination or contract amendment due to enrollment decreases, budget limitations or program changes in the event no vacancy exists in the District for which the certificated employee is qualified.

Seniority shall be defined as the length of a certificated employee’s continuous service in the bargaining unit from the most recent date of being placed on a continuous contract. Seniority shall begin on the first contract day on which the employee reports for duty.

1. Seniority shall accrue during authorized leaves of absence and layoffs up to twenty-four (24) months or as otherwise mandated by law. Seniority shall not be interrupted by voluntary or involuntary transfers.

2. The District-wide seniority order for certificated employees will be determined by the start date of their continuing employment agreement. Certificated employees with identical reporting dates will have their placement order determined by random computer placement within that report date. Once the order is established, no changes will occur except those allowed within the negotiated agreement.

3. The District-wide seniority list shall be prepared and made available on the Lincoln Public Schools website on or about November 1. The validity of the seniority list shall become final and no longer subject to grievance following the first contract day in January. Paper copies of the seniority list will be produced for the Association and the District after finalization.

4. Seniority shall end upon resignation, retirement, failure to return to work at the expiration of a leave of absence, failure to be recalled within twenty-four (24) months from the date of a layoff or termination of employment for other reasons.

Assignment shall be defined as:

1. School building for elementary certificated employees assigned to an elementary building;

2. Subject area assignment for certificated employees in a middle school building;

3. Department for certificated employees in a high school building;
Regulation 4420.1

HUMAN RESOURCES

Reduction in Force – Non-Administrative Certificated Employees
(Continued)

4. Positions within any assigned building requiring special endorsement(s) or qualifications; PROCOM will agree on positions requiring special qualifications for purposes of applying the provisions of surplusing and reduction in force. The list of positions will be distributed on or about November 1. Revisions may be made by PROCOM at any time;

5. Duties assigned in the current year within any school, other location, or configuration of work sites for itinerant certificated employees;

6. A list of certificated staff and their assignment shall be prepared and made available on the District website on or about November 1. The accuracy of the assignment list shall become final and no longer subject to grievance following the first contract day in January.

In the event no vacancy exists for the certificated employee who is subject to reduction in force, the certificated employee may exercise system-wide seniority to bump the certificated employee with the least amount of system-wide seniority in the school system in the assignment in which the certificated employee has been teaching. If no such less senior certificated employee exists, he/she may bump the least senior certificated employee to which he/she is senior in another field or teaching area for which he/she is certificated and endorsed or where certification and endorsement is not applicable, by reason of college credits in the teaching area. Certificated employees may not bump to administrative positions.

When it is no longer possible for any certificated employee who is subject to reduction in force to bump another certificated employee, the certificated employee will be laid off according to Nebraska School Law.

Any certificated employee whose contract has been amended because of reduction in force shall be considered to have been terminated or to have had his/her contract amended with honor and shall upon request be provided a letter to that effect. Such certificated employee shall have preferred rights to reemployment for a period of twenty-four (24) months commencing at the end of the contract year and the employee shall be recalled on the basis of length of service to the School District, to any position for which the certificated employee is qualified by endorsement or college preparation to teach. The certificated employee shall, upon reappointment, retain any benefits which had accrued to said certificated employee prior to termination or contract amendment, but such leave of absence shall not be considered as time of employment by the
HUMAN RESOURCES

Reduction in Force – Non-Administrative Certificated Employees
(Continued)

District. A certificated employee under contract to another education institution may waive recall but such waiver shall not deprive the certificated employee of the certificated employee’s right to subsequent recall.

Date of Last Revision: 2015-01-27
Related Policies and Regulations: 79-824 to 79-849
Legal Reference: 79-824 to 79-849
HUMAN RESOURCES

Reduction in Force – Administrative Certificated Employees

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

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

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

Associations

The Lincoln Board of Education officially recognizes associations of employee groups and works positively and constructively with them toward District goals.
HUMAN RESOURCES

Negotiations

Negotiations shall be conducted in accordance with the applicable negotiated agreement and state and federal statutes.

1. Associations seeking official Lincoln Board of Education recognition for the purpose of negotiations shall submit such request in writing to the Director of Employee Relations and Personnel.

2. The Board agrees to enter into the negotiation process with each recognized employee group in a good faith effort to reach an agreement concerning employees’ salaries, terms and conditions of employment.

3. The Board delegates the authority to its representatives to make and consider proposals and concessions in the course of negotiating, subject to ratification by the Board.

4. The Director of Employee Relations and Personnel shall compile relevant data for use in the negotiations process.

5. Negotiations will be conducted in closed sessions.
HUMAN RESOURCES

Grievances and Complaints

The Lincoln Board of Education will work with certificated and classified employees through their associations or employee groups to establish grievance procedures. Grievance or complaint procedures are found in negotiated agreements, addendums to the Classified Handbook, Administrative Handbook or Hourly Handbook.
HUMAN RESOURCES

Compensation

The Lincoln Board of Education determines the compensation package for the Superintendent, Associate Superintendents and Assistants to the Superintendent. The Associate Superintendent for Human Resources and the Director for Employee Relations and Personnel recommend to the Board the compensation packages for all other employee classifications.

The Superintendent is hereby delegated the authority to approve and adjust upward the salary of individual District employees on a case-by-case basis. Approval may be made at any time during the fiscal year in order to correct salary disparities or reward individual merit at the Superintendent’s discretion as long as such adjustment is within the scope of the current annual budget. Any such adjustment must not violate provisions of negotiated agreements, if any, of the applicable employee’s group.
HUMAN RESOURCES

Procedures for Salary Payments

1. Based upon the compensation package adopted by the Lincoln Board of Education, Human Resources notifies the Payroll Department of the appropriate compensation for all employees.

2. The pay date schedule for employees is developed by Human Resources in conjunction with the Payroll Department in accordance with the negotiated agreements and state and federal statutes.

3. Salary warrants may be withheld until provisions of the law are met, including Board action concerning employment, execution of any applicable contract, filing of any applicable certification papers, completion of any requested physical examinations and the receipt of requested criminal background checks.

4. Upon separation, payment for work performed shall be provided in compliance with state and federal statutes.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 79-566; 79-594; 79-804 to 79-805, 79-817 to 79-822
HUMAN RESOURCES

Overtime

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.
HUMAN RESOURCES

Overtime (Continued)

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.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 
Legal Reference: Fair Labor Standards Act (FLSA)
HUMAN RESOURCES

Employee Extra Assignments

Human Resources, in conjunction with supervisors, develops all extra assignment positions. Compensation for duties performed beyond an employee’s regular assignment will be determined by Human Resources in compliance with Lincoln Board of Education policy, negotiated agreements and the Fair Labor Standards Act (FLSA).

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Extra-Standard Assignments

Extra assignments for which employees are to be compensated are determined by the Lincoln Board of Education upon recommendation of the Associate Superintendent for Human Resources or designee.

Specific assignments are recommended by the building principal/supervisor to Human Resources for approval.

Extra-Standard Pay

Extra-standard pay positions exist only as authorized by the Board. Employees assigned and performing authorized extra-standard pay will be paid in accordance with provisions of the certificated negotiated agreement.

Certificated employees shall be notified in writing or electronically of the extra-standard assignment by the 20th student day of the school year.
HUMAN RESOURCES

Wage and Deduction Information

On each regular payday, the Superintendent or designee shall deliver or make available to each employee, by mail or electronically, or shall provide at the employee’s normal place of employment during employment hours for all shifts a wage statement showing, at a minimum, the identity of the employer, the hours for which the employee was paid, the wages earned by the employee and deductions made for the employee. Information on hours worked for employees who are exempt from overtime under the federal Fair Labor Standards Act of 1938, under 29 C.F.R. part 541, does not need to be provided unless the District has established a policy or practice of paying to, or on behalf of, exempt employees overtime or bonus or a payment based on hours worked, whereupon the Superintendent or designee shall send, or otherwise provide, a statement to the exempt employees showing the hours the employee worked or the payments made to the employee by the employer, as applicable.

Date of Last Revision: 2015-01-27
Related Policies and Regulations: 
HUMAN RESOURCES

Employee Benefits

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

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

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

It is the policy of this District that participants who terminate employment with the District prior to attaining age 59½ with account balance(s) in the District’s Elective (and Non-Elective) 403(b) Plan(s) that:

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

2. The District will not seek to reemploy a former employee within the periods specified by Human Resources, as applicable to the former employee.

3. 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).

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: 
Legal Reference:
HUMAN RESOURCES

Employee Benefits Committee

A committee composed of the Associate Superintendent for Human Resources, the Director of Finance, the Director of Employee Relations, the Human Resources Benefits Specialist and the Director of Business Services will meet as necessary to discuss and make decisions concerning major alterations and/or additions to the employee benefits. Decisions made by the committee include, but are not limited to: adding, modifying or eliminating benefit programs; utilizing consultants for benefit plan implementation or monitoring; and securing legal opinions concerning benefit issues.
HUMAN RESOURCES

Employee Benefits

Upon hire and then on an annual basis, Human Resources will provide employees with information regarding insurance and other benefit programs available for that school year. All questions regarding insurance and other benefit programs should be directed to the Benefits Department.

Lincoln Public Schools employees have the opportunity to choose from the following insurance options:

1. Health
2. Dental
3. Life
4. Disability
5. Vision
6. Accident
7. Cancer

Other benefits available to employees as a payroll deduction:

1. Flexible Benefit Plan
2. Tax-Sheltered Annuity - 403(b)
3. Credit Union
4. College Savings Plan of Nebraska
5. U.S. Savings Bonds

The following benefits are available at no cost to the employee:

1. Employee Assistance Program
2. Death Benefit
3. Direct Payroll Deposit
4. Paid Leave, if applicable
5. Professional Development Opportunities

Date of Last Revision: 2015-01-27
Related Policies and Regulations: Continuation of Group Insurance Plan Coverage (COBRA), Health Insurance Portability and Accountability Act (HIPAA)
Legal Reference:
HUMAN RESOURCES

Employee Insurance Committee

The Employee Insurance Committee serves in an advisory capacity to the Associate Superintendent for Human Resources. The committee meets, as necessary, to review any proposed changes, additions or deletions to existing insurance programs and to explore new insurance programs.

The committee is composed of a representative designated by each employee group, as well as the Associate Superintendent for Human Resources, the Director of Business Services, the Director of Employee Relations, the Human Resources Benefits Specialist and the Director of Risk Management.

Date of Last Revision: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Patient Protection and Affordable Care Act (PPACA)

The Patient Protection and Affordable Care Act (PPACA) requires large employers such as Lincoln Public Schools to comply with the shared responsibilities requirements as provided in the PPACA statutes and regulations. The Board of Education of Lincoln Public Schools wishes to provide general implementation guidance and set forth its basic intent in regard to PPACA requirements and District compliance through this policy.

1. For purposes of determining PPACA defined full-time employee status, the Board of Education hereby delegates to, authorizes and directs Lincoln Public Schools staff to (a) alter schedules, hours worked or other employment terms and conditions in order to limit PPACA full-time employee status of District employees not eligible for health insurance under employment contracts and agreements as appropriate in the District’s best interest, and (b) develop and establish look-back, administrative and stability periods consistent with PPACA requirements.

2. Subject to status modifications as provided in paragraph 1 above and annual implementation reports to the Board of Education, Lincoln Public Schools intends to comply with the shared responsibilities requirements for all PPACA defined employees beginning September 1, 2015, and in each fiscal year thereafter.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-01-27
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations: 
Legal Reference:
HUMAN RESOURCES

Retirement Benefits

Employees must meet requirements of the Nebraska School Employees Retirement System to be eligible for benefits.

Early retirement incentive and early notification programs may be adopted by the Lincoln Board of Education.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-01-27
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations:
Legal Reference: 79-901 to 79-977.03
HUMAN RESOURCES

Lincoln Public Schools Retirement Plan

Employees of the Lincoln Public Schools as of June 30, 1969, may be covered under the retirement plan for the Lincoln Public Schools. Provisions of this plan are not available to individuals added to the payroll of the District after June 30, 1969. Rights under such plan shall exist as the plan may from time to time provide.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Employee Assistance Program

The Lincoln Board of Education will provide an employee assistance program to assist employees with issues related to their well-being.

All treatment records of employees seeking assistance are kept confidential by the employee assistance program.
HUMAN RESOURCES

Employee Assistance Program

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 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 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 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 the Employee Assistance Program after consultation with the Associate Superintendent for Human Resources.

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

Unacceptable job performance will continue to be addressed regardless of the employee’s participation in the Employee Assistance Program.

Leave

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

Employee Assistance Program (Continued)

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.

Date of Last Revision: 2015-01-27
Related Policies and Regulations: 
Legal Reference:
HUMAN RESOURCES

Absences from Work

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 emergency 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 Lincoln Board of Education. A leave of absence is defined as a Board-approved absence from work without pay.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: 
Legal Reference: 29 U.S.C.S. §§ 2601-2654 – Family and Medical Leave Act of 1993 (FMLA), as Amended
HUMAN RESOURCES

Leave for Health Reasons

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), and employee agreements. Employees must follow the normal absence-reporting procedures.

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

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

Date of Last Revision: 2015-01-27
Related Policies and Regulations: Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA)
Legal Reference:
HUMAN RESOURCES

Military and Family Military Leave

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.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:

55-160 to 55-166; 55-501 to 55-507 (the Family Military Leave Act); The Uniformed Services Employment and Reemployment Rights Act (USERRA)-38 USC Sections 4301 to 4333, as Amended; The Family and Medical Leave Act (FMLA), as amended by Section 585 of the National Defense Authorization Act for FY 2008, Public Law [110-181]
HUMAN RESOURCES

Exchange Teacher Leave

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

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

Reviewed and Remains in Effect as Written: 2015-01-27
Legal Reference:
HUMAN RESOURCES

Civic Leave - Certificated Staff

Paid Civic Leave

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

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

Unpaid Civic Leave

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

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

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 4820, 4850
Legal Reference:
HUMAN RESOURCES

Civic Leave - Classified Staff

Paid Civic Leave

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

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 4820, 4850
Legal Reference:
HUMAN RESOURCES

Leave of Absence

Under certain circumstances, leaves of absence may be granted. These leaves of absence will be in compliance with state and federal statutes and any applicable employee agreements. At-will employees are generally not eligible for leaves of absence.

Certificated employees returning to work from a part-time or full-time leave of absence of one school year or less will generally return to their former position. If the employee’s absences extend beyond one school year, the employee must meet with the appropriate Human Resources supervisor to determine the date of return and assignment. The assignment and date of return will be determined by Human Resources upon consideration of the classroom/work environment and in accordance with state and federal laws and agreements with employee groups.

School year is defined by the calendar established for each position or employee group.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Jury Duty

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

Employees shall give their immediate supervisor notice within a reasonable time of receiving a jury summons. 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.

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 25-1601 to 25-1640
Legal Reference: 25-1601 to 25-1640
HUMAN RESOURCES

Professional Leave

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

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

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Professional Travel Guidelines

Professional Travel for All Employees

1. Professional leave will not be granted to extend beyond the official dates of the conference or convention and reasonable time for travel, except by specific approval of the immediate supervisor.

2. Any person attending a professional activity may be asked to report on the professional activity.

Professional Travel for Administrators

Administrative travel opportunities shall be provided as follows:

1. Executive Committee members may attend, at District expense, those local, state and national meetings dealing with their areas of responsibility.

2. Curriculum specialists, directors, and supervisors may attend annually the national and regional meetings relating to their areas of responsibility for which they will be reimbursed all or a substantial portion of the expense with the approval of their direct supervisor.

3. Principals, associate and assistant principals, and other administrative personnel will have the opportunity to participate in professional travel with the approval of their direct supervisor.

4. Executive Committee may direct an administrator to attend professional meetings where District representation is desirable. In this event, the District will reimburse staff members for actual expenses incurred.

Guidelines for Reimbursement for Professional Travel

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

Travel Reimbursement

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

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

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

Due to the quantity of required in-district meetings and activities, some administrators may receive a stipend for in-district travel and do not receive mileage reimbursement for such travel. Other employees or groups of employees may, based upon the quantity of in-district travel, receive a stipend for in-district travel. Any such stipend must be approved by the Associate Superintendent of Human Resources or designee.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-01-27
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations: 3500.6, 8250
Legal Reference:
HUMAN RESOURCES

Private Tutoring

Certificated employees engaged in private tutoring shall be subject to the following rules:

1. A certificated employee may not tutor any child enrolled in his or her class for compensation of any kind from a source other than the District.

2. No tutoring for which a certificated employee receives compensation will be carried on in a school building nor during the certificated employee’s duty hours.

3. Certificated employees who accept outside tutoring engagements make their own arrangements with the parents for the fees to be assessed.

4. Certificated employees should tutor only in areas for which they are endorsed or for which they have adequate training.

The District does not maintain an approved list of tutors.
HUMAN RESOURCES

Guidelines for Private or Group Teaching or Tutoring Outside of District Assignment

Staff members affiliated with an organization or private teaching entity with nonprofit status who wish to advertise the opportunity to students:

1. The staff member wishing to advertise an outside-of-school educational opportunity to students should submit the written information to be distributed to students to the curriculum specialist, director or supervisor of the curriculum area most closely aligned with the teaching activity.

2. The curriculum specialist, director or supervisor will then meet with the Assistant to the Superintendent for General Administration and Governmental Relations to discuss the benefits of the program to students. The Assistant to the Superintendent for General Administration and Governmental Relations will either approve or disapprove distribution of the materials to students.

3. Following approval of materials for distribution, the distributor may:
   a. Opt to purchase space in “Community News” for distribution to all elementary students.
   b. Prepare flyers if the advertising is to be distributed in three or fewer schools only.
   c. Prepare flyers if the advertising is to be distributed in middle and high schools.

The distributor may not use school mail to deliver flyers to schools.

Staff members affiliated with a for-profit teaching or tutoring entity or who provide independent tutoring services for compensation:

1. May not advertise to Lincoln Public Schools students using any District facilities or staff members.
2. May not use school facilities, equipment or records to obtain mailing lists of students.
3. May not use professional affiliation with Lincoln Public Schools for personal gain or private advantage.

Date of Last Revision: 2015-01-27
Related Policies and Regulations: 1112, 1112.1 – 1112.4
Legal Reference: Rule 27
HUMAN RESOURCES

Risk Management

The District recognizes its responsibility in protecting and conserving its human and financial resources. Each employee is required to show the highest possible concern for the safety of fellow employees, students and members of the public and to do the utmost to prevent losses of these resources.

The Risk Management Department within the Human Resources Division is responsible for the continuous development and implementation of the risk management program for the District.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Risk Management

The Associate Superintendent for Human Resources, through the Risk Management Department, shall install and implement programs protecting the District against accidental and criminal losses which would significantly affect the District’s personnel, property or budget. The District will emphasize the management of risk and overall cost reductions through the analysis of insurance premiums and retained losses. The District will purchase insurance for only those exposures to loss that cannot be better handled by other less costly means.

The District will, to the maximum extent possible, adhere to the following risk management precepts:

Identification of Exposures. The risk management process includes a systematic and continuous identification of exposures, analysis of identified exposures in terms of frequency and severity probabilities and the application of sound risk control and financing techniques consistent with the District’s financial resources and the overall ability to retain loss. Ultimate goals of this policy include the conservation of assets, non-interruption of cash flow, environment for employees, students and the general public.

Risk Avoidance. The District will weigh the rewards for risk taking against the exposures to accidental or criminal loss. The District will avoid incurring disproportionate risks in contractual agreements. Risk elements of all new undertakings shall be evaluated carefully and those already existing shall be re-evaluated periodically to determine if any exposures can be avoided.

Risk Retention. The District will retain the maximum amount of risk possible, consistent with its financial condition and overall capabilities.

Non-Insurance Transfer. In all contractual relationships, the District will transfer to others all risks of loss from chance events appropriate to the transaction and appropriate to the relationship of the parties. The District will consider the other parties’ ability to assume the risk, ability to control the loss and the customs and traditions of the parties and the industries involved. In the absence of adequate net worth of the parties, contractual transfers of risk shall be supported by insurance of the indemnitor and evidence of this insurance is required.

Insurance Transfer. The District will purchase insurance when it is required by law or contract, when the amount of potential loss is too large to be absorbed as a normal operating expense, when the probable annual cost variation is unacceptable and insurance is available on acceptable terms and when insurance can best provide for ancillary services such as inspections, claims handling, legal qualifications and loss prevention.
HUMAN RESOURCES

Risk Management (Continued)

**Joint Transfer and Retention.** The District will combine insurance transfer and retention through the use of deductibles, excess insurance and retrospectively rated insurance plans in instances when a portion of the total exposure can safely be retained.

**Safety.** The Lincoln Public Schools shall comply with all state safety and fire regulations as well as the safety regulations of all other agencies having jurisdiction. The District will have a program of safety, including appropriate instruction for all staff, routine safety checks and adequate safety records.

Date of Last Revision: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Workers’ Compensation

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

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

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 48-101 et seq.
Legal Reference: 48-101 et seq.
HUMAN RESOURCES

Risk Management and Safety Committee

This School District is committed to providing and maintaining a safe and healthful work environment and recognizes its responsibility in protecting and conserving its human and financial resources. Employees of the School District are responsible for the safety of fellow employees, students and members of the public to prevent losses of these resources.

The Safety Committee(s) shall be created and perform such functions, be made up of members and meet as required by law. The School District shall develop and maintain a written Injury Prevention Program as required by law and the Superintendent or the Superintendent’s designee is hereby delegated authority and responsibility as required or allowed by law over such Injury Prevention Program.

The Director of Risk Management or designee chairs the Safety Committee and is responsible for ensuring the District is in compliance with applicable state and federal laws.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 48-443 et seq.
Legal Reference: 48-443 et seq.
HUMAN RESOURCES

Tort Claims

Tort claims must be filed with and received by the Secretary of the Board.
HUMAN RESOURCES

Damage, Loss and Theft Collections

The District will make appropriate efforts to collect for losses resulting from negligence, vandalism or theft. The Associate Superintendent for Human Resources or designee is hereby delegated full power and authority in his/her discretion to deal with or attempt to collect these losses, which authority includes but is not limited to oral or written attempts to collect, turning these matters over for collection to district legal counsel or others, filing claims with bankruptcy court or other administrative or judicial bodies, authorizing and pursuing litigation, approving settlements and any other action deemed appropriate.

After reasonable efforts at collection have failed, the Associate Superintendent for Business Affairs is hereby delegated full power and authority in his/her discretion to remove such losses from the books of the District.

All District personnel have a responsibility to report information related to incidences of damage, loss or theft.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-01-27
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Working Conditions

Working conditions are determined by Human Resources in compliance with negotiated agreements, Lincoln Board of Education policies and state and federal laws. General employment procedures regarding vacations, leaves of absence, resignation, reemployment, duties, hours and other matters related to the nature of the position will be monitored by Human Resources. The procedures may vary by department or position.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: 
Legal Reference:
HUMAN RESOURCES

Employee Contracts and Personnel Actions

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

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

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Employment Year

Employees will work a specified number of days, or on an at-will basis, depending upon the assignment. The length of the assignment is determined by the Lincoln Board of Education. Calendars are issued annually denoting the anticipated work schedule and are subject to revision by the Human Resources Division.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Employee Responsibilities and Duties

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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: 
Legal Reference:
HUMAN RESOURCES

Duties and Hours of Work - Certificated

The Lincoln Board of Education recognizes that certificated employees’ responsibilities to their students and their profession generally involve the performance of duties and the commitment of time beyond the normal working day. The Board also recognizes that teachers and other educational professionals are entitled to regular time and work schedules on which they can rely in the ordinary course of events and which will be fairly and evenly maintained to the extent possible throughout the school system.

All certificated staff are required to be on duty at such times established by their supervisor and in compliance with the negotiated agreement. Professional staff will be available on an as-needed basis to complete their other duties as assigned. 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.

Employees who miss meetings or inservice sessions are required to develop and carry out a plan to gain the information missed.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Hours of Work - Certificated Employees

Schools have different starting and ending times for the student day. The length of a full-time teacher's duty day is seven hours and 30 minutes. Each school will determine the length of time prior to and after the student class schedule for staff to be on site in order to meet the required seven hours and 30 minutes. Each certificated employee will have an uninterrupted lunch period of not less than 30 minutes each school day, and no certificated employee shall be assigned teaching, supervisory or other duties during such lunch period. Staff are expected to remain on site the entire day with the exception of the duty-free lunch and may leave the building earlier when called to a professional meeting. Check-out procedures shall be followed for leaving the building during the duty day.

Certificated staff is required to serve on playground, lunchroom and hall supervision as designated by the principal. The principal should attempt to make an equitable distribution of such assignments and staff shall assume such duties as part of their work and agreement of employment.

Certificated staff is to attend required staff and professional meetings scheduled before or after school. Attendance at required conferences, Parent-Teacher Association/Parent-Teacher Organization meetings, open houses, etc., is part of the staff members’ professional responsibility in addition to the regular school day.
HUMAN RESOURCES

Duties and Hours of Work – Classified and Hourly Employees

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. Paid break time, if applicable, is outlined in the applicable employee’s agreement or handbook.

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.
HUMAN RESOURCES

Civility of Employees

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 and electronic communications, including email messages and/or social media.

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 up to and including termination of employment. Retaliation against a person who reports a claim of uncivil behavior is prohibited.

Reviewed and Affirmed by the Board:

Last Revision: 2017-12-12
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Standards of Ethical and Professional Performance – Certificated Staff

Both the State of Nebraska and the Lincoln Board of Education recognize that teaching and its related services, including administrative and supervisory services, are a profession with all of the rights, responsibilities, and privileges accorded other recognized professions. The Board recognizes and endorses the Standards of Ethical and Professional Performance as established by the Nebraska Department of Education and expects all certificated employees to abide by these standards.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: 5400, 5504
Legal Reference: 79-859, 79-866; 92 NAC 27
HUMAN RESOURCES

Certificated Personnel – Professional Performance and Code of Ethics

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

Preamble

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

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

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

Principle I - Commitment as a Professional Educator

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

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

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.

2. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
HUMAN RESOURCES

Certificated Personnel-Professional Performance and Code of Ethics

Principle I - Commitment as a Professional Educator (Continued)

3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

4. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.

5. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.

6. Shall not sexually harass students, parents or school patrons, employees, or board members.

7. Shall not have had revoked for cause in Nebraska or another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which an educator’s certificate is issued in Nebraska.

8. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

9. Shall report to the Superintendent any known violation of these standards.

10. Shall seek no reprisal against any individual who has reported a violation of these standards.

Principle II - Commitment to the Student

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

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

1. Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.
HUMAN RESOURCES

Certificated Personnel-Professional Performance and Code of Ethics

Principle II - Commitment to the Student (Continued)

2. Shall not deliberately suppress or distort subject matter for which the educator is responsible.

3. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.

4. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

5. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.

6. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Board of Education.

7. Shall not discipline students using corporal punishment.

Principle III - Commitment to the Public

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

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

1. Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator’s personal and institutional views.

2. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.

3. Shall neither offer nor accept gifts or favors that will impair professional judgment.

4. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
HUMAN RESOURCES

Certificated Personnel-Professional Performance and Code of Ethics

Principle III - Commitment to the Public (Continued)

5. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.

6. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession

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

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

1. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

2. Shall not misrepresent his or her professional qualifications, nor those of colleagues.

3. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices

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

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

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

Certificated Personnel-Professional Performance and Code of Ethics

Principle V - Commitment to Professional Employment Practices (Continued)

2. Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.

3. Shall give prompt notice to the employer of any change in availability of service.

4. Shall conduct professional business through designated procedures, when available, that have been approved by the Board of Education.

5. Shall not assign to unqualified personnel tasks for which an educator is responsible.

6. Shall permit no commercial or personal exploitation of his or her professional position.

7. Shall use time on duty and leave time for the purpose for which intended.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 5400, 5504
Legal Reference: NDE Rule 27
HUMAN RESOURCES

Standards for Classified and Hourly Employees

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 Lincoln Board of Education members.

2. Shall not discriminate on the basis of race, color, national origin, religion, marital status, sex, age, veteran status, disability, pregnancy, childbirth or related medical condition, sexual orientation or any other protected class designated under state or federal law.

3. Shall not use coercive means, or promise or provide special treatment to students, other employees, school patrons, or 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 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.

8. Shall understand the confidentiality of data. 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. Any employee who has a student in the District must differentiate his or her role as an employee and his or her role as a parent with respect to accessing confidential student information.

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 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.

13. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
HUMAN RESOURCES

Standards for Classified and Hourly Employees (Continued)

Failure to abide by the foregoing standards or the expectations for employees set forth in other policies and regulations may result in disciplinary action, up to and including termination, whether failure occurs on or off duty.

Reviewed and Affirmed by the Board:
Last Revision: 2017-12-12
Original Adoption or Oldest Version: 2012-02-14
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Prohibition on Aiding and Abetting Sexual Abuse

A school employee, contractor or agent of the school district is prohibited from assisting another school employee, contractor or agent in obtaining a new job if the individual knows or has probable cause to believe that such other employee, contractor or agent engaged in sexual misconduct in violation of the law.

“Assisting” does not include the routine transmission of administrative and personnel files.

Exceptions to giving such assistance may only be made where the exception is authorized by federal law (for example, where the matter has been investigated by law enforcement and the person has been exonerated and approved by the Superintendent or designee.)
HUMAN RESOURCES

Administration of Assessments

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

In fulfillment of the obligation to the student and the employee’s contractual and professional responsibilities, the employee will:

1. Read the assessment administration instructions prior to administration and follow the instructions each time the assessment is administered.
2. Prepare the students for assessments through teaching of the District curricula.
3. Familiarize students with the format of the assessment through the use of assessment preparation practices. The teacher shall not use actual assessment items to plan instruction or to conduct assessment preparation sessions.
4. Review appropriate general assessment-taking strategies with the students.
5. Review the purpose and importance of the assessments with the students prior to administering these assessments and encourage the students to perform their best.
6. Carefully monitor students and assure that they complete the assessment individually without any aid of notes, books or other people (with the exception of documented and allowable accommodations).
7. Provide students with allowable accommodations as specified in their IEPs/504 Plans or as determined by the ELL team.
8. If appropriate, score the assessment per District guidelines.
10. Report any cheating or possible cheating by students or any deviation from the assessment administration instructions to the principal or her/his designee.
11. Not possess any secure materials at any time other than during actual administration of the assessment.
12. Not discuss, disseminate, reproduce or otherwise reveal the contents of the assessments to anyone.
13. Not change answers on a student’s assessment sheet or otherwise participate in the submission of false or misleading assessment results.
14. Adhere to Nebraska Department of Education’s security procedures and report breaches in security to the Superintendent or the Superintendent’s assessment designee for report to the Nebraska Department of Education.
HUMAN RESOURCES

Professional Boundaries and Staff Relationships with Students

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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-01-27
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Professional Boundaries Between Employees and Students

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 nonexclusive list of actions will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

Electronic Communication

- 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).
- Using e-mail to communicate with students in an inappropriate, immoral or unethical manner.
- Engaging in social-networking friendships with a student on a social networking site in an inappropriate, immoral or unethical manner. 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 (for example, inappropriate, immoral or unethical photos or videos).

Other

- Engaging in any 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 – toward 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), except as appropriate in relation to the child’s needs.
HUMAN RESOURCES

Professional Boundaries Between Employees and Students

Other (Continued)

- Inappropriate, immoral or unethical physical contact with a student.
- Discussing with the student the employee’s problems that would normally be discussed with adults (e.g., marital problems).
- Taking a student on an outing without obtaining prior express permission of the student’s parent and 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 family relationships between employees and their children who are students in the District.

Inappropriate, immoral or unethical conduct includes conduct prohibited by NDE Rule 27 (whether such conduct is by a certificated employee or a classified employee) and conduct prohibited in the District’s employee handbooks.

Date of Last Revision: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Notification of Arrest, Criminal Charges, Licensure, Child Abuse Complaints, Etc.

Employees shall notify the Associate Superintendent for Human Resources or designee by the next business 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. Employees subject to Policy 3760 - Safe Driving Record Standard for Drivers, must notify Human Resources by the next business day of all tickets or citations including, but not limited to, traffic infractions.
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.
HUMAN RESOURCES

Notification of Arrest, Criminal Charges, Licensure Child Abuse Complaints, Etc. (Continued)

Employees shall also notify Human Resources by the next business 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 business 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.
HUMAN RESOURCES

Possession of a Weapon by Employees

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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference: 28-1204.04
HUMAN RESOURCES

Possession of a Weapon by Employees

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 pocketknife with a blade of 2½ inches or more is a prohibited weapon. Maintenance employees may possess a knife with a blade of 2½ 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 switchblade knife is prohibited regardless of size of the blade. A switchblade 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.
HUMAN RESOURCES

Possession of a Weapon by Employees (Continued)

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.
HUMAN RESOURCES

Visitors to Employees

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.
HUMAN RESOURCES

State and National Offices

Lincoln Public Schools encourages staff to participate in job-related professional organizations. Approval for release time for state or national offices must be obtained in advance from Human Resources. Determination as to whether the release time will be paid will be based on current budget constraints.
HUMAN RESOURCES

Employee Fundraising

Any employee who directly or indirectly seeks to use their position as a District employee to fundraise (such as through a crowdfunding initiative) must obtain prior approval from the Superintendent or Superintendent’s designee before taking any action to fundraise.

An employee who receives permission to fundraise shall abide by the following requirements:

a. The employee shall inform the Superintendent or Superintendent’s designee of any content (including online messages or requests) that the employee intends to publish.

b. The employee shall not violate any District policy, rule or law in any fundraising efforts and shall keep all student information confidential.

c. The employee must account for any money raised through the approved fundraising effort and shall provide evidence to the Superintendent or Superintendent’s designee as to how the money was spent.

This policy is not applicable to fundraising efforts by employees in their private capacities.

Original Adoption: 2019-05-28
Related Policies and Regulations: 1112, 1330, 1340
Legal Reference:
HUMAN RESOURCES

Soliciting and Selling

Employees shall not allow salespersons, representatives or agents of any commercial enterprise or theatrical presentation to call upon, secure contracts or student orders and business from employees engaged in their duties except for such times as may be designated by the Superintendent or designee. By law, the hours of no solicitation are between 8:30 a.m. and 5:00 p.m. on all days that school is in session. If an employee is required to be at work earlier than 8:30 a.m., the hours are extended to that earlier time as well.

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

Personal Effects Not Replaced

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

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Personal Freedom

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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations:
Legal Reference: 49-14,101.02
HUMAN RESOURCES

Academic Freedom

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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: 6450, 6500
Legal Reference:
HUMAN RESOURCES

Work Made for Hire

The District seeks to provide an environment in which administrators, teachers and staff can discover and transmit the knowledge and wisdom which will help to improve the quality of education. The rights of the District concerning production, ownership and use of inventions, patentable and copyrightable materials or other intellectual property or proprietary materials shall be controlled by this policy.

Under federal law, any work prepared by an employee within the scope of his or her employment is considered a “work made for hire.” Work made for hire is the exclusive property of the employer. Work for hire includes work prepared during duty time, after duty time and when school is in or not in session. Work made for hire includes, but is not limited to, teaching materials, curriculum, business management systems, individual staff web pages or information or material posted on the Internet through the District’s system, computer programs or other educational tools or materials and revisions and updating of manuals and textbooks and other publications.

Each District employee, by continuing in employment, agrees to assign to the District such employee’s entire right, title and interest in and to such works made for hire.

Employees shall not use the District’s work made for hire for any commercial use without the express written approval of the Superintendent of Schools or the Superintendent’s designee.
HUMAN RESOURCES

Non-District Employment

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 Risk Management of any employment outside the District.

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

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-01-27
Original Adoption or Oldest Version: 2015-01-27
Related Policies and Regulations: 79-820; 79-927
Legal Reference: 79-820; 79-927
HUMAN RESOURCES

Anti-Discrimination and Harassment

Lincoln Public Schools is committed to providing a workplace and learning environment free of discrimination and harassment for students and employees. Accordingly, discrimination or harassment of any kind by supervisors or coworkers is prohibited. In addition, the District will endeavor to protect employees from reported discrimination or harassment in the workplace by students and other non-employees.

Discrimination or harassment based on a person’s race, color, religion, national origin, sex, disability, age, marital status, veteran status, pregnancy, childbirth or related medical condition or sexual orientation is specifically prohibited by Lincoln Board of Education policy and/or federal and state law.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
Original Adoption or Oldest Version: 2009-04-14
Related Policies and Regulations: Section 703 of Title VII of the Civil Rights Act
Legal Reference:
HUMAN RESOURCES

Anti-Discrimination and Harassment

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

1. Demonstrate at all times a respect for others regardless of race, color, religion, gender, disability, pregnancy, childbirth or related medical condition, age, national origin, citizenship status, economic status or other personal attribute. Any verbal or physical conduct which unreasonably interferes, on the basis of protected class, with the person’s work performance or creates an intimidating work environment constitutes harassment or discrimination.

2. 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.

3. 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:
   a. Verbal harassment or abuse including unwelcome sexually-oriented communication;
   b. Subtle pressure or requests for sexual activity;
   c. Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another person’s body;
   d. Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual’s employment or student’s status;
   e. 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
   f. Sexual assault.

4. Report any incident of harassment or discrimination of or by any employee, student or non-employee within or which affects the school environment.

Date of Last Revision: 2015-08-25
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Discrimination and Harassment Reporting Process

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.

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate coordinator. For further information about antidiscrimination laws and regulations or to file a complaint of discrimination with the Office of Civil Rights in the U.S. Department of Education (OCR), please contact the OCR.
HUMAN RESOURCES

Discrimination and Harassment Reporting Process (Continued)

at One Petticoat Lane, 1010 Walnut Street, Third Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), (816) 268-0599 (fax), (800) 877-8339 (telecommunications device for the deaf) or ocr.kansascity@ed.gov.

Revised: 2017-07-11
Reviewed and Remains in Effect as Written: 2015-08-25
Related Policies and Regulations:
Legal Reference:

Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973 (Section 504)
HUMAN RESOURCES

Tobacco Products in School Buildings and on School Grounds

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. Smoking shall also be prohibited in any area where school staff, students or members of the public may be present or may be affected by smoke including, without limitation, the stands and bleachers of outdoor athletic fields and near the entry of school buildings. For purposes of this policy, tobacco means any tobacco product (including, but not limited to, cigarettes, cigars and chewing tobacco), vapor products (such as e-cigarettes), alternative nicotine products, tobacco product lookalikes and products intended to replicate tobacco products either by appearance or effect. Staff members may use nicotine patches as part of a tobacco cessation program, but the patches may not be visible. Violation of this policy by employees will result in disciplinary action, up to and including termination.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2014-07-07
Original Adoption or Oldest Version: 2014-07-07
Related Policies and Regulations: 3971.4
Legal Reference: 71-5701 to 71-5713, Neb. Rev. Stat. § 71-5716 to 5734 (Nebraska Clean Indoor Air Act)
HUMAN RESOURCES

Tobacco Products are Prohibited

All staff members in school buildings share the responsibility of adhering to and enforcing the policy prohibiting the use of tobacco products.

1. The administrator in each building is responsible for posting the District-approved no-smoking sign at each entrance.

2. Smoking in the building is a violation of the Nebraska Clean Indoor Air Act and is a Class V misdemeanor.

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

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 3971.4, 5420.3
Legal Reference: 71-5701 to 71-5713
HUMAN RESOURCES

Drug-free Schools

The District’s regulations and practices comply with the Federal Drug-Free Schools and Communities Act and with the Omnibus Transportation Employee Testing Act of 1991.
HUMAN RESOURCES

Drugs and Alcohol Prohibited

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 workplace. 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 workplace 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 workplace 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 five 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, and non-renewal, cancellation, or termination of contract of employment.

5. Employees 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.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations: 4790.1, 5420.3
Legal Reference:
HUMAN RESOURCES

Alcohol and Drug Testing

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.
HUMAN RESOURCES

Employee Fitness for Duty

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 and/or the Health Care Response Team 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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2015-03-24
Original Adoption or Oldest Version: 2015-03-24
Related Policies and Regulations:
Legal Reference: Americans with Disabilities Act (ADA), 42 U.S.C. §12134, et. seq., as amended
HUMAN RESOURCES

Employee Health Issues

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.

Reviewed and Affirmed by the Board: 2017-12-12
Last Revision: 2009-04-14
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Related Policies and Regulations: Americans with Disabilities Act, Family Medical Leave Act, Health Insurance Portability and Accountability Act
Legal Reference:
HUMAN RESOURCES

Communicable or Infectious Disease

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) and/or ADA Coordinator 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.
HUMAN RESOURCES

Communicable or Infectious Disease (Continued)

c. Whether the employee’s condition substantially interferes with the performance of the essential job functions with or without reasonable accommodation.
d. Whether the employee poses a substantial possibility of harm to others.

4. Based upon the information available regarding the employee’s health situation, the Associate Superintendent for Human Resources or designee may determine the following employment actions:

a. Continue employment in the current or different assignment.
b. Use paid leave.
c. Afford reasonable accommodations as may permit the employee to perform essential job functions.
d. Recommend to the Lincoln Board of Education:
   1) Leave of absence
   2) Reduction in amount of employment
   3) Termination
   4) Any combination of the above

5. If the employee’s employment status will be affected, appropriate due process procedures as required by law shall be followed.

An employee’s refusal to work with a person with a communicable or infectious disease is not a valid excuse for failure to complete work responsibilities. However, no employee shall be required to work under any condition or perform tasks which unreasonably endanger 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.
HUMAN RESOURCES

Other Illnesses, Injuries or Conditions

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

1. The Associate Superintendent for Human Resources or designee may require an employee to provide current or additional medical information.

2. The Associate Superintendent for Human Resources may determine that an additional medical evaluation is required.

3. The Associate Superintendent for Human Resources or designee will review the medical information and may enlist the help of the Health Care Response Team (HCRT) to determine the employment status.

   a. Based upon the information available regarding the employee’s health situation, the Associate Superintendent for Human Resources or designee may determine the following employment actions:

      1) Continue employment in the current or different assignment.
      2) Use paid leave.
      3) Afford reasonable accommodations as may permit the employee to perform essential job functions.
      4) Recommend to the Lincoln Board of Education:

         a) Leave of absence
         b) Reduction in amount of employment
         c) Termination
         d) Any combination of the above

4. If the employee’s employment status will be affected, appropriate due process procedures as required by law shall be followed.

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Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Health Care Response Team

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.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Emergency Medical Treatment

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.
HUMAN RESOURCES

Professional Development

Professional development facilitates the personal and professional growth of all Lincoln Public Schools employees. The program provides opportunities for professional growth focused on increasing student success. The purpose of professional development is to support the career growth of all individuals in the District to improve their performance in their present job assignment, to increase job satisfaction, and to affect continuous academic improvement for all students.

Current emphases include: school improvement planning and implementation efforts which will include community members and parents; school-based initiatives; instructional improvement; building a community of learners through inclusive practices; multicultural education and integration of teaching and learning. Skill enhancement is the focus for each employee classification, which will result in excellence for all students in Lincoln Public Schools.

Staff development will be made available, at a minimum, in accordance with the terms of the applicable agreements. All employees may participate in District staff development courses.
HUMAN RESOURCES

Orientation and Induction of Employees

Orientation and induction of new employees will be the responsibility of the Human Resources Division with assistance from building and District administrators or other designated staff.

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Legal Reference:
HUMAN RESOURCES

Orientation

Orientation for new employees will include information on District policies, benefits where applicable, as well as rules and regulations pertaining to individual assignments.

The orientation materials will include, but shall not be limited to:

1. Employee handbook.
2. Building/department handbook and/or policies and procedures.
3. District policies and rules, including anti-harassment, tobacco, alcohol and drug-free policies.
4. Benefits, if applicable.
5. Lincoln Board of Education Mission Statement.
HUMAN RESOURCES

Induction

Human Resources Division will ensure that an induction program is provided for new certificated employees according to state rules and statutes.

It is the responsibility of the Staff Development Department, with assistance from other departments, to coordinate the induction program.

Reviewed and Remains in Effect as Written: 2015-01-27
Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Professional Growth Requirements – Certificated Employees

Professional growth requirements refer to professional work or activities which contribute to professional growth. The conditions and limitations under which such activities are performed and accepted may be reviewed and changed by the Associate Superintendent for Human Resources or designee. Changes in professional growth requirements will be implemented in such a way as to cause no penalty to those staff members who are currently working on professional growth requirements of the present period.

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Related Policies and Regulations:
Legal Reference: 79-830
HUMAN RESOURCES

Professional Growth Activities – Certificated Employees

Point System for Professional Growth Activities

Evidence of completed professional growth must be recorded on the Professional Growth Form. As a part of the appraisal process, the principal will review and sign the completed Professional Growth Form(s) with the employee to verify completion of the listed activities. The form(s) will be stored in the Human Resources records management system.

The Director of Curriculum and Professional Development is authorized to specify the criteria and processes necessary for the accrual of professional growth points and may modify the criteria and processes periodically. Certificated employees are to reference their handbook for details concerning professional growth activities.

Activities acceptable for professional growth credit currently include: college coursework; workshops or institutes; teaching college courses, adult education or LPS staff development courses; supervising student teachers; publication of professional writing; educational travel; attendance at professional conferences or conventions; service on District-wide or building-wide committees; and participation in approved innovative projects and action research.

If there is a question regarding whether an activity is eligible for professional growth points, the employee should contact the Director of Curriculum and Professional Development prior to engaging in the activity.

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Related Policies and Regulations: 79-830
Legal Reference: 79-830
HUMAN RESOURCES

Appraisal

The Lincoln Board of Education requires regular appraisal of certificated and classified employees. Leadership of a comprehensive system of staff appraisal is the responsibility of the Human Resources Division. The appraisal shall be conducted by the immediate supervisor or designee.

The appraisal process for all employees shall be developed by the Human Resources Division in conjunction with the appropriate supervisors. The certificated appraisal process shall be pursuant to procedures approved by the Board in accordance with state statute.

All appraisals must be completed using the official appraisal forms approved by Human Resources.

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Legal Reference:
HUMAN RESOURCES

Appraisal Procedures

Annually, the Human Resources Division will provide supervisors with the appraisal cycle status of the employees they supervise. Appraisal schedules are listed in the Classified Employee Handbook, the Teacher Appraisal Manual and the Administrative Employment Guidelines.

Supervisors are expected to complete the appraisals in compliance with established District timelines.

Employees’ appraisal documents will be maintained on the district-approved Human Resources records management system.
HUMAN RESOURCES

Appraisal — Certificated Employees Other Than Administrators

Appraisal of certificated employees is the responsibility of the designated certificated administrator.

The actual appraisal process for certificated employees other than administrators is developed by a joint committee composed of representatives of Lincoln Education Association (LEA) and Lincoln Public Schools. Changes to the appraisal process must be approved by the LEA Board of Directors and the Lincoln Board of Education, as well as approved by the Nebraska State Department of Education.
HUMAN RESOURCES

Appraisal of Certificated Administrators

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

The process used to evaluate administrators will follow the Lincoln Board of Education approved appraisal specific to the administrator’s assignment.

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Related Policies and Regulations:
Legal Reference:
HUMAN RESOURCES

Practicum Students and Student Teachers

The Lincoln Board of Education recognizes that there is personal enrichment, self-development and an increased workload for the cooperating teachers as they guide the professional growth of practicum students and student teachers. Each semester, certificated employees will be surveyed to determine their interest in accepting practicum student or student teacher placements. Certificated employees who consent to the assignment of a practicum student or student teacher agree to accept the accompanying responsibilities. Assignment of practicum students and student teachers will be facilitated by the Human Resources Division.

No institution will be allowed to place practicum students or student teachers without prior approval from Human Resources.

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