



**The policies enclosed are to be provided to Temporary Employees, Employee/Employer Relationship Contractors, Interns, and/or Volunteers.**

The policies included are :

- Drug-Free Work Place (NDE Personnel Rules, Ch. 15, Sec. 002)
- Sexual Harassment (NDE Personnel Rules, Ch. 15, Sec. 003)
- Reporting Unlawful Discrimination (Administrative Memorandum #505)
- Computer Equipment/Internet Access and Electronic Mail Acceptable Use (Administrative Memorandum #708)

Please remember to complete and return the corresponding acknowledgement paperwork(separate document) to NDE Human Resources.

TITLE 93 -- NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES  
CHAPTER 15 -- MISCELLANEOUS

001 Working Schedule. A schedule of working hours, which reflect individual job requirements, shall be determined by the appropriate Leadership Council Member or Commissioner's designee and the immediate supervisor.

001.01 Change in Work Schedule. Supervisors shall provide ten (10) work days written notice to the affected employees prior to making changes in their permanent work schedules. The supervisor may temporarily change an employee's work schedule for cause without the ten (10) work day notification.

001.02 Lunch. Each day, employees shall have an unpaid lunch break of at least thirty (30) minutes and no more than sixty (60) minutes unless they are scheduled to work six (6) hours or less that day. If an employee is working six (6) hours or less and would like to forgo the lunch break, the supervisor can approve the request. Scheduling the time of the lunch break is subject to the approval of the immediate supervisor. Schedule requests shall not be unreasonably denied by the supervisor. Employees may not take a lunch break for a shorter period of time than one-half (1/2) hour. A lunch break may not be saved for use in shortening the work day.

001.03 Breaks. A rest break of fifteen (15) minutes may be taken during each four (4) hours an employee is on the job. Break time may not be saved for use in shortening the work day or in extending the lunch break. Rest breaks are considered work time.

001.04 Overtime. Nothing contained in this Chapter shall be construed as limiting the Department's right to require overtime work by employees, subject to the provisions of Chapter 8 of this Title.

001.05 Job Sharing. Job sharing may be allowed by mutual agreement of the Deputy Commissioner, the appropriate Leadership Council Member or Commissioner's designee and the immediate supervisor. The Department will attempt to maintain job sharing arrangements in effect as of the effective date of this Chapter for as long as is practical and both involved employees remain employed in their current positions.

002 Drug-Free Work Place. The unlawful manufacture, distribution, possession, or use of any illicit drugs or of alcohol is prohibited in the work place. Employees who violate the standards of conduct are subject to referral for prosecution.

002.01 Employees, who are convicted of a criminal-drug-statute violation occurring in the work place, shall be subject to disciplinary action up to and including termination; or shall be required to satisfactorily participate in an approved drug/alcohol abuse or drug/alcohol rehabilitation program approved for such

TITLE 93 -- NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES  
CHAPTER 15 -- MISCELLANEOUS

purposes by a federal, state, or local health law enforcement or other appropriate agency.

002.02 Temporary employees or contractors who are convicted of a criminal-drug-statute violation occurring in the work place shall be subject to termination of employment/contract; or shall be required to participate satisfactorily in an approved drug/alcohol abuse or drug/alcohol rehabilitation program.

002.03 Conviction for any criminal-drug-statute violation occurring in the work place must be reported by the employee or contractor to the Human Resources Office no later than five (5) calendar days after the conviction.

003 Discrimination. Unlawful work place discrimination (harassment), based in whole or in part on sex, race, color, religion, marital status, national origin, age, disability, protected activity (such as an employee's opposition to discrimination or participation in complaint proceedings), or genetic information (as prohibited by the Genetic Information Non-discrimination Act [GINA] and Section 48-236 R.R.S.); constitutes unlawful work place discrimination (harassment). Employees who commit unlawful work place discrimination (harassment) while performing duties for the Department may be subject to disciplinary action, up to and including dismissal from employment. Employees who make complaints or assist in investigations of unlawful work place discrimination (harassment) will be protected against retaliation.

003.01 Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

003.01A Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

003.01B Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

003.01C Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

003.01D Sexual harassment does not include personal compliments welcomed by the recipient or social interaction, or relationships freely entered into by employees or prospective employees.

003.01E Behavior Constituting Sexual Harassment. In determining whether alleged conduct constitutes sexual harassment, the Department will look at the record as a whole and at the totality

TITLE 93 -- NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES  
CHAPTER 15 -- MISCELLANEOUS

of the circumstances, such as the nature of the sexual behavior and the context in which the behavior occurred. The determination of the legality of a particular action will be made from the facts on a case-by-case basis. Sexual harassment will not be permitted during the work day, nor will acts of sexual harassment be condoned outside the work environment if such are construed to encroach on the normal working relationship.

004 Political Activities. Unless specifically restricted by federal or state law, employees may participate in political activities except during office hours or when otherwise engaged in the performance of their official duties. Employees may not, however, participate in political activity using their status as a state employee to influence others.

005 Nepotism and Supervision of Family Members. Employees shall not engage in nepotism. Nepotism means the act of hiring, promoting, or advancing a family member in state government or recommending the hiring, promotion, or advancement of a family member in state government. This includes within the Department and with other State Agencies. "Family Member" means an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of an official or employee of the Department.

Employees shall not be assigned to positions in which they directly supervise, evaluate, or review the appraisal of a family member or to positions in which they are directly supervised, evaluated, or reviewed by a family member.

006 Postsecondary Coursework During Work Time. Employees may request approval to use work time to take up to seven (7) credit hours each calendar year from postsecondary institutions on the semester schedule or up to nine (9) credit hours each calendar year from postsecondary institutions on the quarter schedule. However, no more than four (4) credit hours may be taken in any one (1) semester, or no more than four and one-half (4.5) credit hours in any one (1) quarter, during work time without loss of pay. All summer sessions combined will be considered equivalent to one (1) semester period. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Approval under this section is intended to allow employees to use work time to attend courses that have a regular meeting schedule as opposed to self-paced, online courses or credits for activities such as thesis or doctoral work. Depending on the distance and location, travel time may also be considered regular work time. Prior approval of course work and/or related travel time during work hours must be obtained from the immediate supervisor, Leadership Council Member or Commissioner's designee, and Deputy Commissioner. Management may limit the amount of work release time granted. Requests and subsequent documentation must be submitted on a form provided by the Department. Requests shall be directed through the employee's immediate supervisor to the Human Resources Office. Any additional credit hours may be scheduled outside the normal work day. Approval under this Section shall not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and employee performance.

NEBRASKA DEPARTMENT OF EDUCATION

ADMINISTRATIVE MEMORANDUM #505

ISSUED: MARCH, 2011

TO: Nebraska Department of Education Staff  
FROM: Roger D. Breed, Commissioner of Education  
SUBJECT: **REPORTING UNLAWFUL DISCRIMINATION (Including Harassment)**  
CONTACT: For assistance contact Human Resources at 471-4736

**PURPOSE**

This document specifies the policy and procedures for reporting unlawful discrimination.

**POLICY** – The Nebraska Department of Education (NDE) is committed to providing a comfortable, productive work environment for all employees. Discrimination, including harassment, which is based on **sex, race, color, religion, marital status, national origin, age, disability or protected activity** (such as an employee's opposition to discrimination or participation in complaint proceedings), or genetic information is unlawful. Employees who commit unlawful discrimination while performing duties for NDE may be subject to disciplinary action, up to and including dismissal from employment. Employees who make complaints or assist in investigations of unlawful discrimination will be protected against retaliation.

Unlawful discrimination includes, but is not limited to, violations under the Americans with Disabilities Act of 1990 as amended, Title IX of the Education Amendments of 1972 as amended, Title VII of the Civil Rights Act of 1964, and the Genetic Information Nondiscrimination Act of 2008.

**ELEMENTS OF UNLAWFUL DISCRIMINATION (BASED ON HARASSMENT)** include the following:

- A) The conduct was unwelcome. (*Unwelcome means that the complainant did not solicit or invite the conduct and regarded it as undesirable.*)
- B) The complainant was subjected to the conduct because of his or her sex, race, religion, national origin, age, disability, or because he or she opposed discrimination or participated in complaint proceedings. (*Sexual harassment is unlawful discrimination based on sex. It may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature; however, harassment may be based on sex even if sexual conduct is not involved.*)
- C) The conduct resulted in a hostile work environment or a tangible employment action.
  - *A hostile work environment may result from unwelcome comments or conduct, which unreasonably interfere with an employee's work performance or creates an intimidating or offensive work environment.*
  - *A tangible employment action by a supervisor may include termination, denial of a promotion, or some other significant change in employment status.*

**PROCEDURES** – Employees should report unlawful discrimination at an early stage, before it becomes severe or pervasive. NDE will investigate all reports of unlawful discrimination as promptly as possible. Any supervisor who is aware of unlawful discrimination taking place within NDE is required to make a report.

Reporting unlawful discrimination (harassment) may be accomplished in one of two ways:

1. An internal grievance procedure exists for all permanent and fixed-term employees. Complaints of unlawful discrimination may be raised in the grievance process. Employees covered by the NDE-NAPE/AFSCME bargaining unit should reference the grievance procedures contained in Article 10 of the current bargaining agreement. Employees not covered by the NDE-NAPE/AFSCME bargaining unit should reference the grievance procedures contained in Chapter 14 of the NDE Personnel Rules.
2. Employees who do not wish to use the internal grievance procedures or are not covered by them\* may take complaints of unlawful discrimination directly to: (a) the staff of the NDE Human Resources Office; (b) either of the two NDE Ombudspersons; or, (c) to any NDE Leadership Council Member.

\*Contract, temporary, and probationary employees do not have grievance procedures available to them.

In addition to the reporting options outlined above, reports of unlawful discrimination with respect to NDE employment issues under Title IX may be reported to the Department's Title IX Coordinator, Joel Scherling, at 301 Centennial Mall South, 6<sup>th</sup> floor, Lincoln, NE 68509, (402) 471-4736.

NEBRASKA DEPARTMENT OF EDUCATION

ADMINISTRATIVE MEMORANDUM #708

ISSUED: JANUARY, 2011

TO: Nebraska Department of Education Staff

FROM: Roger. D. Breed, Commissioner of Education

SUBJECT: Computer Equipment, Internet Access, Electronic Mail and Portable Electronic Communication Devices Acceptable Use

FOR ASSISTANCE: Call Lori Henkenius at 471-4733  
(Vocational Rehabilitation or Assistive Technology staff -- call Dan Dulaney at 471-0963)  
(DDS staff -- call Jim Williams at 471-2965)

**PURPOSE**

This memorandum provides employees with standards for acceptable use of NDE computer equipment, Internet access, electronic mail and portable electronic communication devices. For the purposes of this administrative memorandum, Internet access means any method of connecting to the NDE/state computer network for the purpose of searching, browsing or otherwise accessing Internet resources on the World Wide Web. These standards apply to employee use of NDE computer equipment, Internet access, electronic mail and portable electronic communication devices in the NDE offices and by remote access outside NDE offices. In regard to use of computer equipment and resources, staff should also consult the Chapter titled "Code of Ethics" in the [NDE Personnel Rules](#).

NDE computer equipment, Internet access, electronic mail and portable electronic communication devices are public resources. These public resources are provided to NDE employees for the conduct of state business. In addition, the NDE computer equipment, Internet access, electronic mail and portable electronic communication devices may be used by employees to communicate with children at home, teachers, doctors, day care centers, and baby-sitters, to family members to inform them of unexpected schedule changes, and for other essential personal business. Subject to the standards listed below, use of the NDE computer equipment, Internet access, electronic mail and portable electronic communication devices for essential personal business shall be kept to a minimum during breaks or outside work hours and shall not interfere with the conduct of state business.

**Acceptable uses of NDE Computer Equipment, Internet Access, Electronic Mail and Portable Electronic Communication Devices Include:**

1. To communicate regarding work-related matters with NDE internal and external customers including, but not limited to, other state agencies, units of government, citizens, advisory committees or professional associations related to the employee's duties and responsibilities;
2. To apply for OR administer grants or contracts for work-related applications;
3. To access databases, files or information from the Internet for work-related purposes;
4. To communicate with providers of NDE employment benefits (including insurance, retirement and flex spending accounts); and
5. To utilize a Department approved Instant Messaging account.

**Examples of Unacceptable Uses of NDE Computer Equipment/Internet Access/Electronic Mail/  
Portable Electronic Communication Devices**

1. Use to violate the privacy of other users and their data (e.g. employees shall not intentionally seek information on/obtain copies of/or modify files, other data, or passwords belonging to other users, or represent themselves as another user unless explicitly authorized to do so by that user, and such authorization is appropriate).
2. Use to violate copyright and licensing laws applied to programs, data, videos, and music.
3. Use to install software without prior authorization. Education/Agency Support must receive authorization from Lori Henkenius. Vocational Rehabilitation or Assistive Technology employees must receive authorization from Dan Dulaney. Disability Determinations employees must receive authorization from Jim Williams. Use of all such software must comply with the applicable license agreement provisions.
4. Use to violate the integrity of computing systems. Employees shall not develop or use programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system. Employees shall not access personal e-mail accounts from work since these Internet accessible sites may not be fully protected and can infect our systems.
5. Use of NDE computer equipment/Internet access/electronic mail/portable electronic communication device for fund-raising or public relations activities unrelated to an individual's employment by the State of Nebraska.
6. Use to transmit material in violation of any local, State or federal law or regulation.
7. It is prohibited to transmit or knowingly receive threatening, sexually explicit, or harassing material, which includes material that is derogatory towards a group or individual based upon race, sex, sexual orientation, color, religion, disability, age, or national origin. If an employee receives threatening, sexually explicit, or harassing material, Education/Agency support employees must report it to Lori Henkenius. Vocational Rehabilitation or Assistive Technology employees must report to Dan Dulaney. Disability Determinations employees must report to Jim Williams.
8. Use of NDE computer equipment/Internet access/electronic mail/portable electronic communication device or any attached network in a malicious or disruptive manner that precludes or significantly hampers its use by others. Disruptions include, but are not limited to, distribution of *unsolicited advertising*, propagation of computer worms or viruses, and use of NDE computer equipment/Internet access/electronic mail to make unauthorized entry to any other machine accessible via the network.
9. Use to advertise a product or service on behalf of self or others.
10. Use of NDE computer equipment/Internet access/electronic mail/portable electronic communication device for recreational games or personal shopping.
11. Use of NDE computer equipment/Internet access/electronic mail/portable electronic communication device to conduct private business activities or for private financial gain, including but not limited to, stock trading, personal on-line banking, private consulting, and teaching.
12. Misrepresentation of one's self, an agency, or the State of Nebraska when using NDE computer equipment/Internet access/electronic mail/portable electronic communication device.

**Examples of Unacceptable Uses of NDE Computer Equipment/Internet Access/Electronic Mail/  
Portable Electronic Communication Devices (continued)**

13. Use to submit on-line personal information, including the employee's state email address.
14. Use to play Internet radio stations, store music or personal picture files, or play non-work related videos.
15. Use, which maintains an open, continuous Internet connection to a non-business related entity (e.g., Weather Bug and Iwon).
16. Use of NDE's wireless network or computer lab to engage in any of the above unacceptable uses, regardless of whether or not personal computer equipment (i.e., laptop, printer) is used to connect to the network or print unauthorized material.
17. Use of NDE computer equipment/Internet access/portable electronic communication device for non-work related reading and entertainment that is not done while on break times and is not done so as to be kept to a minimum.

**Security Safeguards**

Except as permitted by this memorandum, employees are prohibited from allowing non-employees to use NDE computer equipment/Internet access/electronic mail/portable electronic communication device. Contractors, volunteers, and unpaid interns may have access to NDE computer equipment/Internet access/electronic mail /portable electronic communication device as deemed appropriate by their designated supervisory staff member pursuant to the terms of this Administrative Memo.

Employees are required to use passwords that are a minimum of eight alphanumeric characters and meet the password guidelines listed in Appendix A. Passwords must be changed every 90 days. Passwords should not be inserted into email messages or other forms of electronic communication except when requested by Network Services staff. Employees are prohibited from sharing passwords to any State government computer system with individuals inside or outside the Department of Education. Passwords are to be kept confidential and stored in a safe and inconspicuous place. If NDE supervisors or co-workers need access to password-protected files, Education/Agency support employees must contact Lori Henkenius. Vocational Rehabilitation or Assistive Technology Partnership employees must contact Dan Dulaney. Disability Determinations employees must contact Jim Williams.

Employees are responsible for taking reasonable steps to safeguard the integrity of the NDE computer system, including but not limited to logging out of the computer system or locking workstations before the employee leaves his/her office. All desktops and laptops must use a screen saver designated by Network Services. The screen savers will have a 15-minute timeout setting at which time an automatic desktop lock will be activated when the screen saver starts. Re-entering the network password will unlock the computer.

**Enforcement**

**NDE reserves the right to monitor use of all NDE computer equipment, Internet access, electronic mail and portable electronic communication devices for purposes of enforcing these acceptable use standards. Accordingly, employees do not have a privacy right with regard to their use of NDE computer equipment, Internet access, electronic mail and portable electronic communication devices.**

NDE will take remedial action in response to a violation of this memorandum. Remedial action may include disciplinary proceedings against the employee responsible for the violation of any of the provisions of this memorandum, up to and including termination of employment. If, in the judgement of NDE, it is believed that criminal activity has taken place, NDE will notify the proper authorities and will assist in any investigation and prosecution of any offense.

Employees who are aware of improper use of state resources should report it to their supervisor or Lori Henkenius. Vocational Rehabilitation or Assistive Technology employees should report it to Dan Dulaney. Disability Determinations employees should report it to Jim Williams.

### **Frequently Asked Questions (FAQ)**

For specific examples of the application of this administrative memorandum, see the Acceptable Use [FAQ](#), which is incorporated into this administrative memorandum as Appendix "B."



**(TO BE COMPLETED BY TEMPORARY EMPLOYEES AND  
EMPLOYEE/EMPLOYER RELATIONSHIP CONTRACTORS)**

I certify that I have received a copy of the following Nebraska Department of policies:

- Drug-Free Work Place (NDE Personnel Rules, Ch. 15, Sec. 002)
- Sexual Harassment (NDE Personnel Rules, Ch. 15, Sec. 003)
- Reporting Unlawful Discrimination (Administrative Memorandum #505)
- Computer Equipment/Internet Access and Electronic Mail Acceptable Use (Administrative Memorandum #708)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date