

NEW HIRE VERSION

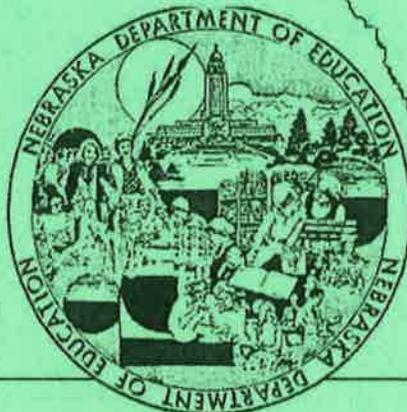
NEBRASKA DEPARTMENT  
OF EDUCATION

# PERSONNEL RULES

TITLE 93, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 15 (IN PART) and CHAPTER 16

EFFECTIVE DATE  
NOVEMBER 4, 2015  
(REVISED)

State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509



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

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 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.

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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 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.

007 Solicitation Policy. Soliciting employees during work hours is not authorized.

007.01 Vendors offering non-work-related products for sale to employees are not authorized to contact employees during the employee's duty hours nor to sell, promote, or distribute information on state property.

007.02 Employees who sell products for a secondary income may only contact other employees during non-duty hours.

007.03 Employees located at all other work sites may, upon the approval of the local administrator, post information on products for sale, and non-duty contact times in locations provided for that purpose.

008 Worker's Compensation. All injuries, no matter how slight, occurring in the course of employment, are to be reported immediately to the supervisor and the Human Resources Office. An Employee Report of Alleged Occupational Injury Form (available from the Human Resources Office) must be completed and forwarded to the Human Resources Office by the employee as soon as possible. In the event that the employee is incapable of completing and signing the report, the employee's immediate supervisor shall complete the report to the best of his/her knowledge. The Employee Report of Alleged Occupational Injury shall be completed and signed by the employee at the earliest possible date.

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- 009 Usage of State Telephone/Telecommunications Resources. Employees should exercise professional judgment in their use of business phones. The State telephone network is provided for official State business only. Long distance personal calls are not authorized and must be charged to one's resident telephone or personal credit card. Such calls may also be placed from a toll phone.
- 014 Transportation. Employees including full-time, part-time, contract, temporary and fixed-term, as defined in Chapter 4 of this Title, may be authorized to use a State vehicle on official State business. State vehicles are not to be used for personal use.
- 014.01 Valid Driver's License Requirement. All persons who operate State or personal vehicles while on Department business are required to have a valid driver's license and to successfully complete a defensive driving course as offered by the State. Should persons who drive on Department business have their driver's license revoked or suspended for any reason, the employee must report such revocation or suspension to their immediate supervisor.
- 014.02 Supervisor Responsibility. It shall be the responsibility of each Leadership Council Member or Commissioner's designee to ascertain that each person who drives on Department business possess a current valid driver's license and has satisfactorily completed a Defensive Driving Course, as prescribed. This responsibility may be delegated to the section head or person in a division who has the responsibility to authorize/permit use of a vehicle on Department business.
- 015 Employment Outside of Working Hours. Employees may engage in employment outside of working hours in a private business interest. Such employment outside of Department work or in a private business interest shall not interfere with the efficient performance of duties or conflict with the interests of the Department of Education or with State statutes. The Department may require disclosure of outside employment.
- 017 Severability. If any section or portion of the Chapters in this Title, or the applicability thereof, to any person or circumstance is held to be invalid by a court, the remainder of these Chapters shall not be affected thereby.
- 018 Recognition Programs. The Commissioner may implement an Employee Recognition Program, which may include items such as Employee-of-the-Year/Manager-of-the-Year meals; framed certificates; clocks; bookends; platters; desk accessories; pens; letter openers; gift certificates; food and refreshments; trophies; shirts; plaques, pins, and/or monetary recognition.
- 020 Retiree Health Insurance. In addition to the provisions outlined in Sections 84-1601 through 84-1615 R.R.S., employees who are eligible for retirement and do retire, shall be afforded the opportunity to continue health insurance coverage in the group plan until they become Medicare eligible. The employee shall be responsible for the entire cost of the premium for the plan chosen, which includes the normal employee contribution and the normal State contribution.

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CHAPTER 16 -- CODE OF ETHICS

- 001 General. Employees shall comply with the Code of Ethics as provided in this Chapter.
- 002 Nebraska Political Accountability and Disclosure Act. Employees shall comply with the Nebraska Political Accountability and Disclosure Act, which provides that:
- 002.01 No person shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of any public official, public employee, or candidate would be influenced thereby.
- 002.01A A public official, public employee, or candidate;
- 002.01B A member of the immediate family of an individual listed in Section 002.01A of this Chapter; or
- 002.01C A business with which an individual listed under Sections 002.01A or 002.01B of this Chapter is associated.
- 002.02 No person listed in Section 002.01A of this Chapter shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of the public official, public employee, or candidate would be influenced thereby.
- 002.03 An employee shall not use or authorize the use of his or her public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.
- 002.04 An employee shall not use or authorize the use of personnel, resources, property, or funds under that person's official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law.
- 003 Impairing Independent Judgment. Employees are additionally prohibited from accepting other employment or entering into contractual arrangements which will impair independence of judgment in the exercise of official duties.
- 004 Securing Unwarranted Privileges. Employees are additionally prohibited from using, or attempting to use their position in the Department to secure unwarranted privileges or exemptions for themselves or others.

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- 005 Conflict of Interest. Employees are additionally prohibited from engaging in any transaction as representatives or agents of the Department with any entity in which direct or indirect financial interests might reasonably tend to conflict with the proper discharge of official duties.
- 006 Personal Investments. Employees are additionally prohibited from making personal investments in enterprises which might be directly involved in decisions to be made by them as employees of the Department.
- 007 Selling Goods or Services. Employees are additionally prohibited from selling goods or services to any persons, firms, corporations, public or government entities, or associations which are licensed or whose rates are fixed by the Department, or from having any substantial interest in persons, firms, corporations, or associations which sell goods or services to other persons, firms, corporations, or associations which are licensed by the Department.
- 008 Partnerships. Employees are additionally prohibited from accepting, or agreeing to accept, or being in partnership with any persons who accept or agree to accept any employment, fees, gifts, or services for taking any action on behalf of the other persons regarding licensing or regulatory matters before the Board.
- 009 Business Transactions. Employees are additionally prohibited from entering into any private business transactions with any persons or entities that have matters pending or to be pending, upon which such employees are, or will be, called upon to render decisions or pass judgments in an official capacity as representatives of the Department. If any such employees are already engaged in the business transactions at the time the matters arise, they shall be disqualified from rendering any decisions or passing any judgments upon the same.
- 010 Vested Interest in Contracts. Employees are additionally prohibited from influencing the making of any contracts, or courses of action leading to the making of contracts, between the Department and persons, firms, corporations, or associations in which they may have a direct or indirect vested interest.
- 011 Gifts or Loans. Employees are additionally prohibited from accepting any gifts of value or loans from any person doing business with the Department. Gifts or favors are to be courteously refused or returned if they are the kind that might influence the conduct of employees.
- 012 Employee Consulting, Presentations and Speeches. Periodically, employees are asked to consult or to make presentations or speeches in their area of expertise. When such a request is received, the employee involved shall discuss the request with the appropriate Leadership Council Member or Commissioner's designee through their immediate supervisor. If it is determined that providing the consultation or making the presentation or speech will relate to the service, leadership, or regulatory functions of

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the Department, then any expenses incurred should be reimbursed from the program's budget.

013 Honorariums. If an honorarium is received for consulting or making a presentation or speech, while on Department time and/or on a (work-related) subject area for which the employee has responsibility in the Department, the honorarium shall be submitted to Central Accounting for deposit against the employee's line of coding. In this instance, the Department shall be responsible for employee expenses.

014 Private Consulting. The following restrictions apply to employees providing private consultation services on personal time:

014.01 Employees may not provide outside consulting services for compensation (monetary or non-monetary) to any entity coming under the supervision or regulation of the Department.

014.02 Employees may not provide outside consulting services for compensation (monetary or non-monetary) to any agency within the state for which the service is available from the Department without charge.

014.03 All consulting activities shall require the use of personal vacation time with prior approval of the immediate supervisor and appropriate Leadership Council Member or Commissioner's designee. Approval of the use of vacation time will be based on the extent to which regular duties are not compromised. Approved consulting may not be done in conjunction with any Department related activity and/or travel.

014.04 Employees may not solicit or invite consultative service opportunities for private or personal gain during the discharge of duties as a State employee.

014.05 Employees may not use State resources or products for private consulting even if the cost of such are paid to the State from outside sources.

015 Teaching. College or university teaching is allowed whenever the following conditions are met:

015.01 The employee has received approval of their immediate supervisor and the appropriate Leadership Council Member or Commissioner's designee; and

015.02 Such teaching, preparation, and other activities associated with the teaching duties, shall take place totally outside the regular duty hours of the employee, unless vacation leave is used; and,

015.03 No Department equipment or resources are used for the teaching activities; and,

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015.04 The employee has received advance approval of vacation time for such teaching including duty hours spent in travel, preparation, and other activities associated with the teaching duties. Whenever vacation time is used, the outside teaching responsibilities must not interfere or limit the performance of the duties and responsibilities required by the Department; and,

015.05 There is a written agreement between the institution of higher education and the employee outlining the terms and conditions of their teaching and such agreement has been approved by the immediate Department supervisor and is on file in that supervisor's office and in the Human Resources Office; and/or,

015.06 Teaching assignments may be approved or assigned as part of the employee's regular duties. Additional compensation may not be accepted when teaching duties are part of the employee's regular work day.

016 Professional Organization Participation. Employees may be granted time during work hours to participate in the activities of professional organizations which, in the estimation of the appropriate Leadership Council Member or Commissioner's designee, are considered to be job-related. The appropriate Leadership Council Member or Commissioner's designee shall determine whether or not travel expenses shall be reimbursed.

