

## PERSONNEL

### Section 5 Standards of Conduct

#### A. Drug-Free Work Place

It is the policy of ESU #13 to eliminate the influence of drugs, alcohol and other chemicals within the work environment and to educate students against the usage of drugs, alcohol and illegal substances. ESU #13 will implement regulations and practices which will ensure compliance with laws relating to drugs and alcohol, including but not limited to: the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act of 1991.

ESU #13 has established a drug-free workplace. The drug-free workplace for this purpose includes ESU #13 property, ESU #13 utilized vehicles, any place in which ESU #13 employees perform duties, and any place in which ESU #13 activities are held. ESU #13 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 the ESU #13 mission and goals.

1. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any ESU #13 property or at any ESU #13 sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.
2. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the ESU #13 expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.
3. As a condition of employment, employees will abide by the ESU #13 drug-free workplace policies and notify the administrator or designee of any criminal drug statute conviction for a violation occurring in the workplace no later than the next business day 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. If employment is not terminated, sanctions may include the requirement that the employee complete an appropriate rehabilitation program.

5. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.

ESU #13 will implement a drug and alcohol testing program in compliance with law for all employees whose position requires a commercial driver’s license (CDL) or who are otherwise in “safety-sensitive” positions as defined by federal or state law. Refusal to submit to pre-employment testing, or testing positive, shall disqualify an applicant for any position requiring such testing 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 be terminated from employment.

This policy 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.

In addition, the use of tobacco products is prohibited in all buildings and all vehicles owned or under the control of ESU #13. Smoking is also prohibited in any outdoor areas where others may be affected by smoke, including areas near the entry of buildings.

For purposes of this policy, tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (including electronic nicotine delivery systems), alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. This does not preclude adults from wearing non-visible nicotine patches, or using nicotine gum without displaying the product container, as part of a smoking cessation program.

Employees shall be furnished with a paper or digital copy of this policy.

Legal Reference:	41 U.S.C. §§ 701 to 707 (Drug-Free Workplace Act of 1988) 49 U.S.C. § 3#1306 and 49 CFR Part 382 (Omnibus Transportation Employee Testing Act of 1991)
Date of Adoption: Updated:	April 21, 2020

**B. Notification of Arrest, etc.**

Employees must notify the administrator by the next business day after:

1. Arrest or Criminal Charges. The employee is arrested, ticketed, or issued a criminal charge where:
  - a. the maximum penalty for the crime equals or exceeds six months incarceration;
  - b. the crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;

- c. conviction would impact performance of employee's job responsibilities, including offenses that:
    - i. would impact the responsibility to be a role model for students or relations with other employees of ESU #13 or schools served by ESU #13;
    - ii. 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
    - iii. would impact the employee's CDL if the employee's job requires that the employee have a CDL;
  - d. the arrest or the alleged criminal activity occurred while the employee was on duty, on property of ESU #13 or a school, or in ESU #13 or school owned or utilized vehicle, or at a school-supervised activity or school-sponsored function;
  - e. employees must also promptly report to the administrator whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense is not otherwise reportable.
2. Certificate or License. The employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee's position. 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 Health and Human Services related to an alleged violation of the professional standards of conduct for the employee's position.
  3. Child Abuse. The employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

Further, 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.

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

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

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

Legal Reference:	
Date of Adoption:	April 21, 2020
Updated:	

C. Weapons

No person shall bring or possess a firearm or any other dangerous weapon on any ESU #13 facility, in any vehicle owned by or under the control of ESU #13, or at any ESU #13 activity or program. For purposes of this policy, the term “dangerous weapon” includes any personal safety or security device (including but not limited to: tasers, mace and pepper spray). This prohibition includes persons with a permit to carry a concealed handgun. Possession of a weapon includes, without limitation, a weapon in a person’s personal possession or control, including a weapon in a desk, locker, backpack or purse. Any person found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

An exception may be allowed for a person to carry or possess a personal safety or security device on ESU #13 property, in an ESU #13 vehicle, or at any ESU #13 activity or program where it is established that the person is presented with a clear and substantial risk to personal safety and the person received prior written permission from the administrator or administrator’s designee. If a person obtains prior approval from the administrator or administrator’s designee, the person must store the device during the work or school day in a secure location as designated by the administrator or administrator’s designee.

An exception may also be allowed where the person requests to possess a weapon for instructional purposes. Any exception must be limited to a non-lethal weapon. Further, the weapon must be possessed and used only in the manner approved and must be maintained in such manner as the administrator has directed so as to prevent it from being used by any non-permitted person or from causing anxiety or harm to others. The request to bring in a weapon must be made to the administrator or administrator’s designee in writing, explaining its purpose, prior to bringing it in. The request should be reviewed and a decision on approval or denial be made in writing to the requestor no later than 24 hours prior to the intended weapon usage.

Legal Reference:	Nebraska Statute: § 69-2441
Date of Adoption:	April 21, 2020
Updated:	October 13, 2020

D. Civility

All employees shall behave with civility, fairness and respect in dealing with fellow employees, students, parents, patrons, visitors, and anyone else having business with ESU #13. Uncivil behaviors are prohibited. Employees may be subject to disciplinary action up to and including termination for engaging in uncivil behaviors.

Uncivil behaviors are any behaviors that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Such

interactions are prohibited in all forms of communication, including telephone conversations, voice mail messages, face-to-face conversations, written communications, and email messages.

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

Legal Reference:	
Date of Adoption:	April 21, 2020
Updated:	

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

- using e-mail, text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school or ESU #13 related activities. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student’s grades);
- engaging in social-networking friendships with a student on social networking sites. Material that employees post on social networks that is publicly available to those in the school community must reflect the employee’s professional image;
- engaging in sexual activity, a romantic relationship or dating a student or a former student prior to the student graduating or otherwise leaving their home District;
- making any sexual advance – verbal, written, or physical – towards a student;
- discussing with a student sexual topics that are not related to a specific curriculum;
- allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan;
- discussing with a student the employee’s problems that would normally be discussed with adults (e.g., marital problems);
- giving a student a ride in the employee’s personal vehicle without express permission of the student’s parent or school administrator unless another adult is in the vehicle;
- taking a student on an outing without obtaining prior express permission of the student’s parent or school administrator;
- inviting a student to the employee’s home without prior express permission of the student’s parent and school administrator;
- going to the student’s home when the student’s parent or a proper chaperone is not present;
- giving gifts of a personal nature to a specific student;
- discussing alcohol, tobacco or other illicit drugs in a non-instructional setting, such as describing a party that the employee attended;

- discussing another student’s or employee’s personal matters when it is not appropriate outside of the instructional setting;
- “grooming,” which includes building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student’s life the sexual contact or sexual penetration would take place.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of familial relationships between employees and their children who are students of ESU #13. A staff member seeking an exception must receive advance approval from the administrator or designee. If a staff member is unable to communicate with the administrator or designee in advance (such as in the event of an emergency), the staff member must notify the administrator or designee as soon as possible, but not later than 24 hours immediately following the event.

Any person who suspects an ESU #13 employee of engaging in any prohibited conduct under this policy, including grooming, should contact the administrator or designee as soon as practical.

An employee who violates this policy may face discipline, up to and including termination of employment, and may be referred to the appropriate certification or credentialing agencies for further discipline.

A violation of this policy will result in referral to the Department of Health and Human Services, law enforcement, or both.

Legal Reference:	
Date of Adoption:	April 21, 2020
Updated:	November 17, 2020

F. Visitors to Employees

Employees are not to have visitors while on duty other than as appropriate for the performance of their duties except on a short-term basis and only with permission of the administrator or their supervisor. Included in the definition of visitors are family members of the employee. Employees are responsible for ensuring that their visitors follow posted procedures for being on ESU #13 or school property. Employees are not to bring their children to work with them in lieu of taking them to childcare, without permission from their department Director or immediate supervisor.

Legal Reference:	
Date of Adoption:	April 21, 2020
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G. Outside Employment

The primary responsibility of employees is to the duties of their position within the Unit as outlined in their job description. Employees are expected to give the responsibilities of their position in the Unit precedence over any other employment.

Employees shall not engage in outside employment, conduct private business, or engage in activities that interfere with, or serve to be detrimental to, the faithful discharge of their duties and responsibilities to ESU #13. This includes using employment with ESU #13 to their advantage or for personal profit by providing services which compete with services provided by ESU #13 during the course of their employment with ESU #13. However, upon occasion, employees may undertake consultative work, speaking engagements, writing, lecturing, and other professional duties, provided they first obtain the written approval of the administrator before engaging in these activities to ensure that no conflict of interest exists.

Legal Reference:	
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Updated:	

H. Copyright Infringement Avoidance

The Board of ESU #13 recognizes the importance of protecting the rights of authors, scholars and others who originate or publish for distribution under the copyright or other rights of authorship, to receive compensation in the form of royalties, profits, or other financial entitlements for their works.

For that reason, it is the policy of ESU #13 to avoid any practices contrary to copyright laws or which interfere or infringe copyrights. It shall be contrary to the policy of ESU #13 to cause or permit photocopying, duplicating or any manner, distributing or exhibiting for profit any book, pamphlet, sound recording, computer software, video recording or any material of any nature when to do so is a violation of any copyright or causes an authorized diminution of rents, royalties or profits to any holder of a copyright.

This policy is drafted as guidance and is not exhaustive or limiting of liability for actions contrary to this policy. Any employee knowingly violating this policy, which violation results in any liability to ESU #13, will be liable to ESU #13 for such damage as is suffered by the unit.

Legal Reference:	
Date of Adoption:	April 21, 2020
Updated:	

I. Political Activities

The Board recognizes and encourages the rights of its employees, as citizens, to engage in political activity with the following restrictions:

1. No employee of the Unit shall solicit support of any political candidate, partisan or non-partisan, or support of any issue on any referendum matter during the regular work hours or on Unit Property.
2. Staff speaking on behalf of ESU #13 will do so only with the approval of the administrator. In policy matters, employees can speak only with the permission of the administrator.
3. No employee of the Unit shall distribute political support/disapproval via electronic devices owned/operated by ESU #13.

4. No employee of the Unit shall use contact lists of ESU #13 to mass mail.

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J. Cellular Phone Use

ESU #13 employees, when operating a motor vehicle, shall not use cellular phones or similar electronic communication devices while holding it in their hand. They can only use it in a hands-free manner, such as speaker phone or voice commands, but never while holding it. However, when operating a motor vehicle to transport students, the driver may only use a cell phone or other communication device when safely pulled off the roadway for emergency situations only. Text messaging (reading, writing, sending) on any communication device during the operation of any student transportation vehicle is prohibited.

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K. Social Media Use

Social media is an important tool for communicating, keeping up to date with current developments in education and for conducting research to enhance management, teaching, and learning skills. ESU #13 also uses social media accounts to provide information to our stakeholders. This policy is intended to ensure (1) appropriate use of social media by staff and (2) appropriate control of social media accounts belonging to or affiliated with ESU #13.

1. Personal Versus ESU #13-Affiliated Social Media Use

a. Personal Social Media Use

- (1) ESU #13 will not require staff members or applicants for employment to provide their username and password to personal social media accounts.
- (2) ESU #13 will not require staff to add anyone to the list of contacts associated with the staff member's personal social media accounts or require a staff member to change the settings on his or her personal social media accounts so that others can or cannot view their accounts.
- (3) Staff members whose personal social media use interferes with the orderly operation of ESU #13, interferes with the staff member's ability to perform their job duties or who use social media in ways that are not protected by the First Amendment may be subject to discipline by ESU #13.

2. ESU #13-Affiliated Social Media Use

- a. Any social media account which purports an account of ESU #13 (e.g., “VALTS”), or any of its programs, classes or entities will be considered to be an account that is used exclusively for ESU #13’s business purpose. Staff members may not use ESU #13- affiliated accounts for personal use.
  - b. Staff may be required to provide the username and password of ESU #13-affiliated social media accounts.
  - c. When staff use ESU #13-affiliated social media accounts to comment on ESU #13-related matters, they do not do so as private citizens and are therefore not entitled to First Amendment protections.
3. Staff Expectations in Use of Social Media – Applicable to Both Personal and ESU #13-Affiliated Use
- a. General Use and Conditions
    - (1) Staff must comply with all board policies, contract provisions, and applicable rules of professional conduct in their social media usage. They must comply with the board’s policy on professional boundaries between staff and students at all times and in both physical and digital environments.
    - (2) Staff must obtain the consent of their department director or the administrator prior to posting any student-related information in order to make sure that the publication does not violate the Federal Education Rights and Privacy Act (FERPA) or any other laws. Staff must also comply with all applicable state and federal record retention requirements, even with regard to personal social media usage.
    - (3) Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly ESU #13-related and inappropriate for persons other than the individual student to receive (e.g., student grades). Communication with one student/parent should only be used on an emergency basis. In this case, these communications should include an ESU #13 staff member as a third person in the communication.
    - (4) Staff must comply with all applicable laws prohibiting the use or disclosure of impermissible content, such as copyright laws, accountability and disclosure laws, and any other law governing the use of resources of a political subdivision. Questions about appropriate content should be referred to the staff member’s direct supervisor.
  - b. Acceptable Use
    - (1) Staff may use social media for instructional purposes.
    - (2) Staff may use social media for ESU #13-related communication with fellow educators, students, parents, and patrons. Staff posting

student-related information must ensure that it does not violate (FERPA) or any other laws.

c. Unacceptable Use

- (1) Staff shall not access obscene or pornographic material while at work, on an ESU #13-owned device or on an ESU #13-affiliated social media account.
- (2) Staff shall not engage in any illegal activities, including the downloading and reproduction of copyrighted materials.
- (3) Staff shall not access social media networking sites such as Facebook, Twitter, and Instagram on ESU #13-owned devices unless such access is for an educational activity which has been preapproved by the staff member's direct supervisor. This prohibition extends to using chat rooms, message boards, or instant messaging in social media applications and includes posting on social networking sites using personal electronic devices.
- (4) Staff members may not use social media to harass or threaten other persons, including other staff members. In the event that a staff member is found to have harassed or threatened another person, said staff member may be subject to disciplinary action, including termination of employment.

4. ESU #13-Affiliated Digital Content

a. General Use and Conditions for ESU #13-Affiliated Accounts

- (1) Staff must obtain the permission of their direct supervisor prior to creating, publishing, or using any ESU #13-affiliated web pages, social media pages or handles, or any other digital content which represents itself to be ESU #13-related, or which could be reasonably understood to be ESU #13-related. This includes any content which identifies ESU #13 by name in the account name or which uses ESU #13's name or image.
- (2) Staff must provide their direct supervisor with the username and password for all ESU #13-affiliated accounts and must only publish content appropriate for the ESU #13 setting. Staff may not provide the username and password to ESU #13-affiliated accounts to any unauthorized individual, including students and volunteers without express, written consent from their direct supervisor.

5. Moderation of Third Party Content

The purpose of ESU #13-related social media accounts is to disseminate information. No ESU #13-related or ESU #13-affiliated social media account covered by this policy shall permit comments by the public unless otherwise approved by the administrator. All

comment functions for applications such as Facebook and Instagram must be turned to “off” without this approval.

Legal Reference:	
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#### L. Intellectual Property

##### Staff Members:

Staff members are encouraged to contribute professional articles and news items to local, state, and national agencies. As a matter of professional ethics, all professional articles concerning ESU #13 must be cleared through the Department Director or immediate supervisor in the event that the Unit or any of its separate departments is mentioned. Materials, equipment, and software owned by ESU #13 may not be used for personal gain.

##### ESU #13 Property:

ESU #13 shall be the sole owner of all intellectual property created through the use of Unit resources or facilities, supported directly or indirectly by funds administered by ESU #13, or prepared or developed within the scope of employment by its employees unless there is a written and signed agreement between the ESU #13 Board and its employee to the contrary.

##### Employee Property:

The employee shall be the sole owner of any intellectual property that is:

1. unrelated to an employee’s employment responsibilities;
2. developed exclusively during the employee’s non-working hours; and
3. created without ESU #13 support or ESU #13 facilities.

##### Applicability:

This policy shall apply to intellectual property of all types including but not limited to any scholarly or educational materials, instructional materials, tests, bibliographies, research finds, video and audio recordings, live video and audio broadcasts, art works, musical compositions, literary works, invention, discovery, improvement, trade secret, technology, scientific or technological development, research data, computer software, copyrightable work, trademark and related rights regardless the medium of expression and regardless of whether or not it is subject to protection under patent, trademark, copyright, or other laws.

##### Shared Ownership:

Notwithstanding any other provision herein, ESU #13 may share its interest or ownership in intellectual property related to telecommuting resources provided pursuant to Neb. Rev. Stat. 79-

1233, including but not limited to distance education, with any educational service unit of which it is a member and the Educational Service Unit Coordinating Council.

Legal Reference:	Nebraska Statute: §79-1233
Date of Adoption: Updated:	April 21, 2020

M. Telework Policy

1. Definition

Telework refers to a work situation where the location of the work site is shifted away from the traditional office to the employee’s home or other work site geographically convenient to the residence of the employee.

Telework as used in this policy is not a work extension whereby employees simply take work home with them. Some telework can be informal, such as working from home for a short-term project. All informal telework arrangements are made on a case by case basis focusing on the business needs of the organization first, as determined by the ESU #13 administrator or designee. Such informal arrangements are not the focus of this policy.

2. Eligibility

Before entering into any telework agreement, the employee and supervisor, with the assistance of the Human Resources manager, will evaluate the suitability of such an arrangement, paying particular attention to the following areas:

- a. Employee Suitability – The employee and supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as “appropriate” for successful telework.
- b. Job Responsibilities – The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telework arrangement.
- c. Equipment needs, work space design considerations, and scheduling considerations.

In all cases, the ESU #13 administrator or designee will make the final determination of whether an employee is eligible, pursuant to this policy, to telework. That decision will be final and not appealable by the employee.

3. Telework Expectations

- a. All direct or in-person client interactions must be conducted at an ESU #13 office or a supervisor-approved location.

- b. A telework arrangement will not be approved if it puts an undue burden on staff remaining in the office.
- c. Telework is not designed to be a replacement for appropriate child care. Although an employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and must meet strategic priorities and the ESU #13 mission.
- d. Telework is a privilege, not a benefit or right. The ESU #13 administrator may terminate telework at any time and for any reason. Telework is voluntary, and employees may decline any offer to telework.
- e. Discretion in style of dress and behavior is essential. The appearance of employees reflect on ESU #13's image; therefore, please use good judgment in your choice of work clothes and remember to conduct yourself at all times in a way that best represents you and ESU #13.
- f. Generally, all staff members are expected to check their phone and email during the workday and respond in a timely manner.
- g. All teleworkers continue to be bound by the applicable professional boundaries policy and/or rules.
- h. Teleworkers must keep a current detailed log of the time they spend on work-related items.
- i. Teleworkers may not use ESU #13 equipment, scheduled work time, or designated work site to perform work for any other employer. This includes both in-person work for a different employee, or electronic or telephonic communications regarding a staff member's other job.
- j. Teleworkers are expected to abide by all other ESU #13 rules and expectations as if the teleworkers were working on-site. For example, teleworkers may not perform work for a different employer while they are on duty with ESU #13. Teleworkers may not consume alcohol or illicit drugs while they are on duty with ESU #13.
- k. Teleworkers must be ready and able to promptly report, if requested by a supervisor, on site to ESU #13 on short notice during the workday.
- l. A teleworker who is scheduled to be working at home on a day that is declared to be an inclement weather day is required to work at home as regularly scheduled unless a flex day has been requested and approved. A teleworker that is scheduled to be working at home on a day that is subject to a delayed opening for the primary work site is expected to work at home as scheduled and will not be eligible for the delay.

#### 4. Telework Location

The employee will establish an appropriate work environment within his/her home or work site. ESU #13 will not be responsible for costs associated with the initial setup of the employee's work site, including remodeling, repairs, or modification to the home office space. In addition, ESU #13 assumes no responsibility for operating costs associated with the telework location including home maintenance, insurance, and/or utilities.

It is the expectation that the worksite will be maintained by the employee in a clean, professional, and safe condition free from distractions, hazards, or dangerous conditions. Teleworkers are responsible for ensuring that no unprofessional background noise (such as dogs barking) or images (such as unprofessional posters) interfere with the teleworker's ability to perform their job or the overall image of ESU #13.

Employees entering into a telework agreement may be required to forfeit use of a personal office or workstation at ESU #13 in favor of a shared arrangement.

Tax and other legal implications for the business use of the employee's home or worksite based on IRS and state and local government restrictions are the responsibility of the employee.

#### 5. Work Schedules

The employee and supervisor will agree on the number of days of telework allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee must follow this work schedule at all times, unless permitted otherwise by their supervisor.

Non-exempt telework employees are prohibited from working hours beyond their schedule days/times, unless such additional work is approved in advance and in writing by their supervisor. Any employee who fails to accurately report hours worked while teleworking, or who works additional hours without permission, may be subject to disciplinary action, up to and including termination.

A telework employee is expected to adhere to the ESU #13 absence reporting procedures.

#### 6. Equipment

- a. ESU #13 will determine, with information supplied by the employee and supervisor, the appropriate equipment necessary for each telework arrangement on a case-by-case basis. ESU #13 is not obligated to provide any equipment to an employee if ESU #13 determines that such equipment is not needed or not in the best interests of ESU #13.
- b. The telework employee will adhere to the ESU #13 Computer Acceptable Use Policy and the Internet Safety Policy.

- c. The employee will be responsible for ensuring a high speed internet connection is available at the telework location at the employee's sole cost and expense.
- d. Equipment supplied by the organization is to be used only for ESU #13 purposes. The employee will sign an inventory of all ESU #13 property and agrees to take appropriate action to protect the items from damage or theft.
- e. Equipment supplied by ESU #13 will be maintained by ESU #13. The employee will be responsible for intentional or negligent damages to the equipment supplied by ESU #13.
- f. Technology supplied by the employee will be maintained by the employee, if deemed appropriate by the organization. ESU #13 accepts no responsibility for damage or repairs to employee-owned equipment.
- g. If a malfunction of organization-issued equipment prevents the employee from performing assigned tasks, the employee must notify the supervisor immediately.
- h. ESU #13 will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. It is the employee's responsibility to pick up supplies.
- i. Telework employees may not use ESU #13 equipment, software or supplies for any non-ESU #13 purpose, including for personal use.
- j. ESU #13 will reimburse the employee for business-related expenses as approved by their supervisor, such as shipping costs or other necessary expenses, in accordance with job responsibilities.

7. Security

Consistent with ESU #13's expectations of information asset security for employees working at the office full-time, telework employees will be expected to ensure the protection of ESU #13 and student information accessible from the home/remote office. Steps include, but are not limited to: use of locked file cabinets, desks, regular password maintenance, and any other steps appropriate for the job and the environment.

Teleworkers must provide reasonable security for the data and information that is transported to and from their office site.

The employee may not disclose any confidential, private or personal files, records, materials or information, and may not allow access to ESU #13 networks or databases to anyone who is not authorized to have access.

Upon termination of the telework agreement or employment, all ESU #13 property and

confidential information will be returned to ESU #13 within five business days, unless other arrangements have been made with the Department Director. Any failure to return ESU #13 property and confidential information may result in ESU #13 initiating legal action against the employee, including, but not limited to, injunctive and declaratory relief to protect confidential information, intellectual property or student information, and collection efforts to recover ESU #13 property.

8. Safety and Premises Liability

- a. ESU #13 will maintain Workers Compensation and liability protection, as required by law, for the employee in the course of employment at or within the agreed telework site.
- b. In the event an employee is injured while working at his/her telework site, it is expected that the employee will report the injury in accordance with the policy on Workers Compensation.
- c. Injuries sustained by the employee while at his/her telework location and in conjunction with his/her regular work duties are normally covered by ESU #13's Workers Compensation procedures.
- d. ESU #13 reserves the right to inspect the telework site immediately, or as soon as practical, upon being notified of a work-related injury or accident. The failure of an employee to provide such inspection access or to otherwise cooperate in the post-accident investigation may result in termination of the telework agreement.
- e. ESU #13 will not be responsible for any activity, damage, or injury which is not directly related to, associated with, or resulting from the official job duties, and over which ESU #13 has no ability to exercise control.
- f. ESU #13 assumes no liability for the employee's real property or personal property, or for any injury to the employee's family, guests, or other invitees injured upon the employee's premises, whether at the telework site or otherwise.

9. Mileage/Travel Expenses

Supervisors must designate the teleworker's primary work location for travel expenses reimbursement purposes. This must be documented in the telework agreement.

Travel expenses between a part-time teleworker's home (those with a designated office at an ESU #13 work site) and the primary work location shall be considered commute mileage and not subject to reimbursement. If the employee is working at an alternate site (not home and not the primary work location), the mileage from the primary work location to the alternate work site and back may be reimbursable in accordance with the ESU #13 mileage reimbursement guidelines.

10. Performance Evaluation

Evaluation of telework performance will include regular interaction between the employee and the supervisor, and regularly scheduled meetings to discuss work progress and problems. The frequency of such communication will be established between the employee and the supervisor.

Evaluation of telework performance will be consistent with that received by employees working at the office in both content and frequency, but will focus on work output and completion of objectives.

11. Telework Agreement

The teleworker and his/her supervisor will enter into a signed, written agreement. The agreement may be terminated at any point and for any reason by ESU #13.