

## PERSONNEL

### Section 11    **Classified Employees**

#### A.    Classified Employees Defined

Classified employee, for purposes of the Board policies, means any employee or assignment which is not within the definition of “professional employee” as set forth in the Board policies.

“Non-certificated employee,” for purposes of the Board policies, means any employee who is not a teacher, nurse, or otherwise in a position or assignment which requires a certificate issued by the Commissioner of Education.

Legal Reference:	§ 79-1234(2)
Date of Adoption:	May 19, 2020
Updated:	

#### B.    “At Will” Status

All employees and assignments that do not require a certificate issued by the Commissioner of Education shall be on an “at will” basis. Classified employees shall have no property right in continued employment and need not be given a hearing or any other procedural or substantive due process prior to termination of employment.

Nothing in board policy, administrative regulations or practices, employee handbooks, or in any evaluation instrument or in the evaluation process for classified employees shall be or is intended to create or be a contract or part of a contract with a classified employee which shall in any way be construed to be contrary to the “at will” employment of classified employees. No administrator or other employee of ESU #13 has any authority to enter into any agreement of employment with a classified employee for any specific period of time or to make any agreement contrary to an at-will employment relationship without specific Board approval.

Legal Reference:	
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#### C.    Hiring, Assignment and Dismissal

The Board delegates to the Administrator the authority to hire, assign, reassign, suspend and dismiss classified employees. Such authority shall be exercised in compliance with the policies of the Board. The Board reserves the authority to modify or reverse any such action taken by the Administrator.

Dismissal of classified employees shall be on an at-will basis, as such employees are subject to termination at any time without cause, without prior disciplinary action or progressive discipline, and irrespective of the lack of any evaluation or the irregularity in any evaluation process.

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D. Conditions of Employment for Classified Personnel

1. Conditions

- a. All classified employees shall be covered by this policy even though they may not be covered by the Fair Labor Standards Act.
- b. ESU #13 is authorized to classify and re-classify positions based upon job descriptions and recommendations of the Administrator.
- c. All new classified employees shall be placed on a 60 day probationary period after which time the employee will either be placed on permanent status or terminated. The Administrator may determine that an employee will continue on probationary period for longer than 60 days if it would serve ESU #13's best interests.
- d. Salary rates may be reviewed and set by the Board annually.
- e. Salary increases may be granted by the Administrator after probationary period based on the performance evaluation and recommendation of the immediate supervisor.
- f. Classified employees are eligible to participate in those benefits authorized by the Board.
- g. ESU #13 classified employees assigned to work in schools will be paid on the ESU #13 salary schedule.
- h. Classified employees serving special education programs shall serve under the direct supervision of a certificated specialist.
- i. Notices of Appointment will be used to identify salary, benefits, and conditions of employment for classified employees.
- j. No classified employees shall work more than forty (40) hours per week without prior approval of the Administrator and the immediate supervisor.

E. Standards of Ethical and Professional Performance for Classified Staff. In fulfillment of a classified employee's minimum responsibilities, each classified employee:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of other employees, students, parents, patrons, or ESU #13 Board members.
2. Shall not discriminate on the basis of any protected status in its programs and activities.

3. Shall not use coercive means, or promise or provide special treatment to other employees, students, parents, patrons, or ESU #13 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 for personal gain or private advantage.
6. Shall not harass in any manner students, parents or ESU #13 patrons, employees, or board members.
7. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties.
8. Shall keep in confidence personally identifiable student or employee information that has been obtained in the course of service to ESU #13, unless disclosure serves professional purposes or is required by law.
9. Shall not discipline students using corporal punishment or prohibited restraint methods.
10. Shall not misrepresent ESU #13, 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 reports a violation of these standards.

Legal Reference:	NDE Rule 27 (as a guide)
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F. Evaluations

The Board delegates to the Administrator the responsibility to develop, organize and implement a program to evaluate classified employees. The evaluation process is to be conducted in such a manner as to be consistent with and to advance the mission and goals of ESU #13.

A failure to properly complete evaluations shall not give a classified employee rights with regard to continued employment. Such failure, however, is to be considered in evaluating the responsible evaluator's performance.

Legal Reference:	
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G. Termination Procedures for Classified Employees

Notice of non-voluntary termination of classified employees:

While two weeks' notice should ordinarily be given prior to terminating the employment of classified personnel, the Administrator in his sole discretion may terminate any classified

employment with or without advance noticed and may, if he/she deems it advisable, suspend any classified employee with or without pay.

Voluntary termination for Classified Employees:

Classified employees are expected to give at least two weeks' prior notice in order to be terminated in good standing. Termination notice will be submitted in writing to the Administrator.

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