



# **POLICY MANUAL**

*Adopted: May 21, 2025*  
*Effective: July 1, 2025*

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KENTUCKY VALLEY EDUCATIONAL COOPERATIVE

# **Policy Manual**

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# Introduction

## Welcome

Welcome to the Kentucky Valley Educational Cooperative (KVEC).

KVEC is one of eight (8) education cooperatives in Kentucky and is largely comprised of regional member school districts. Superintendents of each member district form the KVEC Board of Directors, which serves as the Cooperative's governing body. The Board has direct responsibility for any programs under its auspices.

The purposes of the manual are to acquaint you with the policies that govern and affect (1) operations of KVEC and (2) individuals employed by KVEC and to outline the benefits available to employees. Employees who fail to comply with KVEC policies may be subject to disciplinary action.

This manual is a compilation of policies adopted by the Board of Directors. As such, it is not intended to be, and should not be interpreted as, a contract. It is **not** an all-encompassing document and may not cover every possible situation or unusual circumstance. If a conflict exists between information in this manual and Kentucky Revised Statute, Kentucky Administrative Regulation, federal law or regulation, or local ordinances, the state, federal, or local/law/ordinance will govern. Any references to a specific gender in this manual should be regarded as including both male and female unless specified to be otherwise.

If an employee has questions about any provisions, s/he should contact his/her immediate supervisor or the Executive Director.

## KVEC Purpose

KVEC's purpose is to provide participating districts with educational services, and/or programs for school children, school faculty, district administrative personnel, and classified employees in a regional cooperative to address specific educational needs identified by the member districts, and to focus upon quality, innovative, and effective programs which will result in increasing the educational attainment of all students.

## KVEC Mission

The mission of the Kentucky Valley Educational Cooperative (KVEC) is to build the human capital of educators, learners, and community members to work together to solve the often-pervasive challenges that exist in our rural region.

## **KVEC Vision**

Reframe the education and community narrative in Appalachian Kentucky.

## **Future Policy Changes**

Although every effort will be made to update the manual on a timely basis, the Board of Directors reserves the right, and has the sole discretion, to change any policies, procedures, benefits, and terms of employment without notice, consultation, or publication, except as may be required by contractual agreements and law. Consequently, the Board of Directors reserves the right, and has the sole discretion, to modify or change any portion of this manual at any time. Employees are advised to check the KVEC web site on a regular basis for new and updated policies.

## Section

# 1

## Board Powers and Duties

### 01.1 Legal Status

KVEC is a legal body created by statutory authority of the State of Kentucky. Its members derive their responsibilities and powers from state law.

As hereafter referenced in this document, the “Board” shall refer to the superintendents that comprise the Board of Directors of KVEC.

The Board shall function and act as a corporate body of the whole. Board members have no authority over KVEC affairs as individuals, but do retain authority, within state law, over KVEC affairs when they act as the Board of Directors.

The Board will not be bound in any way by any action or statement on the part of an individual Board member.

### 01.11 Responsibilities

The governance of the Kentucky Valley Educational Cooperative shall be vested in a Board of Directors. The membership of the Board shall consist of the superintendents of the participating school districts. Each member of the Board will have one vote, with a simple majority of those members present for a regularly called Board Meeting being necessary for action on any matter.

The Board is responsible for evaluating the effectiveness of the execution of Board policies. Evaluation by the Board requires a continuous appraisal of the results of its policies, as well as the effectiveness of the general administration.

The KVEC Board of Directors shall have general control and management of such programs and services as it deems necessary for the promotion of the objectives of the Cooperative consistent with the State, Federal and local law/ordinance. The Board of Directors shall:

1. Appoint an Executive Director and determine his/her salary. The letter of appointment shall be issued by the Chairperson of the Board;

2. Accept funds from the participating school districts;
3. Apply for program funding through affiliate organizations (grants);
4. Employ personnel;
5. Make purchases;
6. Designate standing and ad hoc committees, as needed;
7. Do all things necessary and proper to carry out the full intents and purpose of the Cooperative;
8. Develop and approve policies for the operation of the Cooperative;
9. Contract for specialized services;
10. Designate one or more banks or trust companies, as depositories for the Cooperative funds;
11. Approve budgets for programs conducted by KVEC;
12. Receive federal, state, school district and other monies, and expend them to conduct service programs approved by the Board;
13. Upon the recommendation of the Executive Director, to create, continue, or abolish positions necessary to conduct the work of the Cooperative and that staffing structure will be contained in the projected annual budget;
14. Adopt employment policies for staff with assurances of equal employment opportunities; and,
15. Adopt a program of services with assurances of equal educational opportunities.

The term of office for voting members of the Board of Directors shall be for the duration of official membership in the Kentucky Valley Educational Cooperative and shall be based on a July 1-June 30 fiscal year.

## **01.4 Meetings**

The Board of Directors shall adopt its regular meeting schedule for the upcoming fiscal year at its annual May meeting. The KVEC Board will meet nine (9) times annually.

### *Quorum*

A quorum, for the transaction of business, shall consist of those superintendents or designated representatives in attendance, and motions can be favorably passed by a simple majority vote of those present and voting.

*Voting*

Robert's Revised Rules of Order will be used as the parliamentary rules for conducting all business of the KVEC, with the following exceptions:

1. The Chair may make a motion.
2. The Chair may second a motion.

Voting on all motions before the Board will be by roll call.

A Board member may designate, another individual to represent the district on the Board to vote on any matter requiring action.

All meetings of the Cooperative shall be subject to and observe all requirements of the Open Meetings of Public Agency statutes (KRS 61.805 to KRS 61.850).

## **01.411 Elected Board Officers**

The Board shall select from its own members a slate of officers which shall consist of a Chair and a Vice-Chair (Chair Elect).

Each year a Vice-Chair shall be elected by a majority vote of the Board members present at the regularly scheduled May meeting. The Vice-Chair from the prior year shall be named incoming Chair. These officers shall take office on July 1 of each year and serve through June 30.

*Chair*

The duties of the Chair of the Board shall be as follows:

- Preside at all meetings of the Board;
- Appoint, or direct the appointment, of committees;
- Call special called meetings of the Board;
- Lead the Executive Director evaluation process;
- Sign official Board documents; and
- Assist in setting the agenda for each meeting.

If the Chair and Vice-Chair are both absent, the Board, by vote, will designate another member of the Board to act as temporary Chair.

If for any reason the Office of Chair becomes vacant, the Vice-Chair will assume the office of Chair. A new Vice-Chair will be elected on or before the second regular meeting following the vacancy and will serve out the remainder of the term of office.

*Vice-Chair*

The Vice-Chair shall carry out the duties of Chair in the absence of the Chair and assist the Chair in setting the meeting agenda.

## **01.412 Secretary**

The Executive Director of the Cooperative shall be the administrative agent of the Board but shall not be a voting member of the Board.

The Executive Director shall serve as Board Secretary and shall keep the minutes, records, and documents of the Board.

In the absence of the Secretary at a regular or special meeting, the Board, by vote, will designate an acting Secretary who will be authorized to certify any and all proceedings acted upon by the Board.

## **01.413 Treasurer**

The Chief Financial Officer shall serve as Treasurer of KVEC. The duties will be as follows:

1. Perform the duties and have the powers prescribed by law and KVEC bylaws, policies, procedures, or Board action;
2. Serve as the official custodian of all funds of the Cooperative and will be responsible for the proper safeguarding and accounting of all funds;
3. Issue a receipt for any KVEC monies coming into his/her hands;
4. Deposit such monies in accordance with the laws governing the deposit of public funds; and,
5. Issue all warrants in payment of expenses lawfully incurred on behalf of the Cooperative, but except as otherwise provided by law, will issue such warrants only after proper allowance or approval of the Board.

## **01.42 Regular Meetings**

The regular schedule will include monthly meetings on the 4th Wednesday of each calendar month with the July/August meetings combined into one, the November/December meetings combined into one and the May/June meetings combined into one because of calendar pace and school schedules.

The schedule will include date, time, and location. Special meetings or changes in date/location may be called for specific need.

Rescheduled regular meetings shall be noticed and held as special-called meetings. Notice of regular meetings is given to Board members by adoption of scheduled meeting dates and places.

All meetings of a quorum of the members of the Board at which any public business is discussed or at which any action is taken are to be public meetings, open to the public at all times, except as provided in KRS 61.810.

The Board may, at its discretion, conduct its meetings at places and dates other than those established above, provided that Board members have timely notice of such call.

#### **VIDEO TELECONFERENCES**

The Board may conduct its meeting by video teleconference (including closed sessions). Notice of a video teleconference shall comply with the requirements of KRS 61.820 or KRS 61.823 as appropriate. The notice shall clearly state that the meeting will be a video teleconference; provide specific information on how any member of the public or media organization may view the meeting electronically; and in any case where the Board has elected to provide a physical location, or in any circumstance where two (2) or more members of the Board are attending a video teleconference meeting from the same physical location, precisely identify a primary location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.

The same procedures with regard to participation, distribution of materials and other matters shall apply in all video teleconference locations. Members of the Board who participate in a video teleconference shall remain visible on camera at all times that business is being discussed.

Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.

If a regular meeting is changed to a video conference, the meeting shall remain a regular meeting if the meeting occurs on the same date and time as originally scheduled and the Board follows the provisions of KRS 61.823 to provide a notice that meets these requirements.

### **01.421 Public Participation at Board Meetings**

The public is invited to attend all regular and special Board meetings and may address the Board by requesting to be included on the agenda as outlined in policy 01.45 Agenda Preparation/Dissemination.

The Board recognizes its responsibility to conduct business of KVEC in an orderly and efficient manner and will, therefore, require reasonable controls for public presentations to the Board. Persons who wish to speak on items listed on the agenda should seek recognition by the Chair at the time the Board considers that particular item. They will then identify themselves and proceed with comments as briefly as the subject permits.

The Chair is responsible for the orderly conduct of the meeting and will rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented, and suitability of the decision in determining the appropriateness of all such rulings.

## **01.43 Closed Sessions**

All meetings of the Board will be open to the public, except when the Board meets to discuss the following topics:

1. Deliberations on the future acquisition or sale of real property by the Board, but only when publicity would likely affect the value of a specific piece of property to be acquired for public use or sold by the Board;
2. Discussions of proposed or pending litigation against or on behalf of the Board;
3. Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
4. Portions of a meeting devoted to a discussion of a specific public record, the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, as limited by law; and,
5. Meetings which federal or state law specifically require to be conducted in privacy.

These matters may be discussed in closed sessions only if the following conditions are met:

1. Notice shall be given in open meetings of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of KRS 61.810 authorizing the closed session;
2. Closed sessions may be held only after a motion is made and carried by a majority vote in open, public session;
3. No final action may be taken at a closed session, except as permitted by law; and
4. No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.

Closed sessions by video teleconference may be held in properly noticed meetings as provided in KRS 61.826.

## 01.44 Special Board Meetings

Special meetings of the Board may be called when they are necessary to expedite Board business.

The Chair of the Board, the Executive Director, or a majority of the members may call special meetings or emergency meetings as deemed necessary by properly notifying members of the Board. In case of a special meeting, proper notification shall be by written notice not less than twenty-four (24) hours preceding the meeting. Prior to the meeting written notice of the special meeting shall be posted in the Office of the Executive Director and on the approved website of the KVEC. In the case of an emergency meeting, every reasonable effort shall be made to provide notification, and at the beginning of the meeting provide information of the necessity of the emergency meeting. Such statement shall be included in the minutes of the meeting.

Only those matters listed in the call for a special meeting may be discussed.

A special meeting may be a closed meeting if it deals with a subject for which statutory provision is made to allow consideration in closed session. In such a case, Policy 01.43 applies.

## 01.45 Agenda Preparation/Dissemination

The Executive Director will consult with the Board Chair concerning preparation of the agenda for all regular and special meetings of the Board.

### *Regular Meeting Agenda*

The Executive Director will prepare the agenda for regular meetings that shall, with the unapproved minutes of previous meeting(s), be provided to the Board members via electronic means at least three (3) work days prior to each regular Board meeting.

Items of business may be suggested by the Board members or citizens for inclusion on the agenda. Business items suggested by citizens should be submitted in writing and received in the office of the Executive Director no later than ten (10) days prior to the scheduled meeting for consideration for inclusion on the written agenda.

Any item submitted after the printing of a regular Board meeting agenda, and approved by the Executive Director or Board Chair as an item requiring immediate action by the Board, shall be printed as an addendum and considered part of the agenda. The necessity for immediate action shall be listed on the addendum.

### *Special Meeting Agenda*

For special meetings, the Board will consider only those matters that are listed on the publicized agenda. Items may be placed on a proposed special called meeting agenda at the direction of the Chair and shall be placed on the proposed agenda if requested by a majority of Board members.

The agenda of a regular meeting may be amended at the meeting upon affirmative vote of at least a majority of the members of the Board present and voting. However, once the agenda for a special called meeting is posted or delivered to Board members and requesting media, it may be amended only when a new notice and reposting of the agenda, as amended, is completed prior to the twenty-four (24) hour period before the meeting as required by statute.

## **01.5 Board Policy**

### *Development*

The legal responsibility for policy-making and evaluating the effectiveness of policy execution belongs to the Board of Directors of KVEC. The Executive Director, as Executive Director of the Board, sees that policies are executed. Evaluation by the Board requires a continuous appraisal of the results of its policies.

The Board determines all questions of general policy to be used in the governance of KVEC.

The Board reserves for itself the function of providing guidelines for discretionary action by those to whom it delegates authority. These guidelines for discretionary action constitute the policies governing the operation of KVEC. They will be recorded in writing in policy, procedure or in the Board minutes.

The Board is the legislative body that determines all questions of general policy to be employed in the governance of the Cooperative. Action on policy changes is taken by the Board in accord with its by-laws.

Formulation and adoption of written policies constitute the basic method by which the Board exercises leadership in the operation of KVEC. The study and evaluation of reports concerning the execution of its written policies constitutes the basic method by which the Board exercises control over the operations of KVEC.

### *Adoption*

The formal adoption of policies will be recorded in the minutes of the Board. The Board will adopt only those policies that it believes to be sound and workable. Only those written statements so adopted and so recorded are regarded as official Board policy. Policies are set by the Board to do the following:

1. Clarify relationships with employees;
2. Provide and give positive direction to employees; and
3. Aid in the evaluation of services and personnel.

Until duly amended or repealed, Board policy is binding on the Board and on employees and other parties dealing with the Board.

Whenever conditions require, policies of the Board may be added to or changed at any regular or special meeting of the Board. The Executive Director will prepare such policies for approval and adoption by the Board. Policies introduced and recommended to the Board will not usually be adopted until a subsequent meeting. Thus, time normally will be given to permit further study and to give opportunity for interested parties to react. However, formal approval may be granted by the Board to meet emergency conditions for special events without waiting for a subsequent meeting.

In addition, upon recommendation of the Executive Director, the Board at any regular or special meeting may waive, by majority vote of those present and voting, any policy previously adopted when circumstances occur, or experimental programs are initiated and when the Board determines such waiver or suspension is in the best interest of the schools of the participating districts. The date and duration of such waiver or suspension shall be determined in each instance when such action occurs and so recorded in Board minutes.

A favorable vote from a majority of those present will be necessary to add, change, or waive policies.

## **01.51 Administrative Procedures and Dissemination**

The Executive Director shall be responsible for the development of any procedures needed to implement Board policies. Procedures include written administrative rules, handbooks, job descriptions, and/or organizational charts. Development of all such procedures will be reported at the next regular Board meeting with copies provided for each member of the Board.

The Executive Director is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules needed to put them into effect.

All employees are responsible for complying with all administrative rules, and policies of the Board. In addition, employees must comply with Kentucky, federal, and local law and oral directives of their supervisors. All employees are responsible for acquainting themselves with KVEC rules, policies, and the law.

The Executive Director also is responsible for settling any questions by citizens or employees arising out of the interpretation and application of established Board policies. The decision will be final unless a written appeal is made to and sustained by the Board. Appeals should be sent to the Executive Director in sufficient time to be included on the agenda for the regular meeting. The Board may vote on whether it will hear such an appeal.

## **01.6 Minutes**

The minutes of action taken at every meeting of the Board, setting forth an accurate record of votes and actions at such meetings, will be promptly recorded. Such records will be open to public inspection at reasonable times no later than immediately following the next meeting of the Board. An exception to this policy is when meetings are closed sessions held in accordance with Policy 01.43.

Minutes will be maintained in an official record book designated for said purpose. A copy of the proceedings will be sent to each member of the Board. Minutes may not be changed to reflect an individual's vote differently from that cast. Minutes may be amended only to correct errors and to reflect an accurate account of actual action at Board meetings.

## **01.61 Records**

### **INITIAL ASSESSMENT/INVESTIGATION OF SECURITY INCIDENT AND NOTICE**

Information security breaches shall be handled in accordance with KRS 61.931, KRS 61.932, and KRS 61.933 including, but not limited to, investigations and notifications.

A data security breach of personal information shall promptly be reported to the local police, state police or local Sheriff and to the school district or entity from which KVEC received the information.

If within seventy-two (72) hours of the discovery or notification of a security breach, no law enforcement agency has notified KVEC in writing not to do so, KVEC shall: 1) notify the Commissioner of the Kentucky State Police, the Kentucky Auditor of Public Accounts, the Kentucky Attorney General, and the Kentucky Education Commissioner, and 2) begin a reasonable and prompt investigation to determine whether the security breach has resulted, or is likely to result in, the misuse of personal information.

#### *INFORMATION SECURITY BREACH*

KVEC will take reasonable security measures to guard against the foreseeable loss of or exposure of personal information that it maintains or possesses.

“Personal information” is defined as an individual's first and last name or first initial and last name; personal mark; or unique biometric or genetic print or image, along with any data element listed below:

- Account number, credit or debit card number, that, in combination with any required security code, access code, or password would permit access to an account;
- Social Security number;
- Taxpayer identification number that incorporates a Social Security number;
- Driver's license number, state identification card number, or other individual identification number issued by any agency, such as a student identification number that can be used for a purpose other than identifying the student, such as being used for accessing personal data or an account if used in combination with a security access code or password;
- Passport number or other identification number issued by the United States government; or
- Individually identifiable health information as defined in 45 C.F.R. sec. 160.103, except for education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. sec. 1232g, except for student identification number referenced above.

Personal information does not include information that is lawfully made available to the public pursuant to state or federal law or regulation.

A “security breach” refers to:

- an unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of unencrypted or unredacted records or data that compromises or is reasonably believed to compromise the security, confidentiality, or integrity of personal information and results in the likelihood of harm to one (1) or more individuals; or
- an unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of encrypted records or data containing personal information along with the confidential process or key to unencrypt the records or data that compromises or is reasonably believed to compromise the security, confidentiality, or integrity of personal information and results in the likelihood of harm to one (1) or more individuals.
- A security breach does not include the good-faith acquisition of personal information by an employee, agent, or nonaffiliated third party of the agency for the purposes of the agency if the personal information is used for a purpose related to the agency and is not disclosed to others without authorization.

When the Cooperative receives information or notice prompting a reasonable belief that an event compromising the security of personal information maintained by the Cooperative or nonaffiliated third party on behalf of the Cooperative may have occurred, the Cooperative shall conduct a reasonable initial assessment or investigation to determine whether the event constitutes a “security breach” under the above definition.

#### **FOLLOW-UP INVESTIGATION/ASSESSMENT IF SECURITY BREACH CONFIRMED**

If it is determined after initial investigation that a security breach has occurred, the Cooperative shall complete an investigation and assessment of the incident to determine whether the security breach has resulted or is likely to result in the misuse of personal information, which may include the following:

- Depending on the nature of the breach and sensitivity of information, take reasonable near-term steps to mitigate further unauthorized disclosure of personal information and risk of harm.
- Consider designating a lead investigator and investigative team with expertise keyed to the event (e.g. utilization of available Cooperative IT professionals if breach involves electronically maintained information, internet, or web resources).
- Interview relevant individuals to learn about the circumstances surrounding the incident and review logs, tapes, or other resources.
- Identify individual(s) affected by the breach.
- Determine what personal information has been compromised and how disclosed.

- If applicable, identify affected machines, devices, and IT resources and preserve backups, images and hardware where possible.
- Estimate the likely impact of the compromised data's exposure.
- Utilize professional assistance and consultation as necessary, analyze the likely cause of the breach.
- Coordinate internal and external communications related to the incident. Emphasize maintaining confidentiality during investigative stages of response activities.
- Seek involvement of law enforcement if there is reason to believe criminal activity has occurred.

### **NOTIFICATION**

Upon conclusion of the investigation, if it is determined that a security breach has occurred and that misuse of personal information has occurred or is likely to occur, the Cooperative shall within forty-eight (48) hours notify the Commissioner of the Kentucky State Police, the Kentucky Auditor of Public Accounts, the Kentucky Attorney General, the Kentucky Commissioner of Education, and the Kentucky Commissioner of the Department of Libraries and Archives. Within thirty-five (35) days of providing these notices, the Cooperative shall notify all individuals impacted by the security breach as provided by law.<sup>1</sup>

These notices shall be delayed upon written request of a law enforcement agency that the notices would impede an investigation. Security Breach Forms are located on the Kentucky Finance & Administration Cabinet website:

<https://finance.ky.gov/office-of-the-secretary/Pages/finance-forms.aspx>

If the investigation determines that misuse of personal information has not occurred or is not likely to occur, the above agency contacts shall be provided notice of the determination. In this case, notice to affected individuals is not required, but the Cooperative should maintain records reflecting and supporting the determination.

### **CONTRACTS WITH NONAFFILIATED THIRD PARTIES - INFORMATION SECURITY**

On or after January 1, 2015, agreements calling for the disclosure of "personal information" to nonaffiliated third parties shall require the third party contracting with the Cooperative to follow information breach and security standards at least as stringent as those applicable to the Cooperative.

Contracts with such third parties shall specify how costs of data breach investigations and notices are to be apportioned.

### **OTHER PRIVATE INFORMATION**

In the case of breach of information made private by law that does not fall within the definition of "personal information", the Cooperative may engage in similar investigative, response, or notification activities as provided above.

Alternatively, the Cooperative may, after reasonable investigation, provide notice to the individual whose restricted personal information has been acquired by an unauthorized person. Notification will be made in the most expedient time frame possible and without unreasonable delay, except when a law enforcement agency advises the Cooperative that notification will impede criminal investigation. Notification should be provided to the individual within three (3) working days of discovery of the breach but no later than thirty (30) working days.

Depending on the number of people to be contacted, notification may be in the form of a face-to-face meeting, phone call, posting on a Web site or sending a written notice to each affected person's home. Notice should include the specific information involved and, when known, an estimate of how long it has been exposed, to whom the information has been released and how the breach occurred. In addition, the individual should be advised whether the information remains in the physical possession of an unauthorized person, if it has been downloaded or copied, and/or, if known, whether it was used by an unauthorized person for identify theft or fraud purposes.

## **01.7 Board Attorney**

The KVEC may employ an attorney to advise and represent it in legal matters. In special cases, the Board may employ additional attorneys as needed.

## **01.81 Membership in Associations**

The Board may maintain membership in education-related organizations. In addition, the Board may periodically subscribe to services from other regional, state and national boards, organizations, and associations.

## **01.821 Board Member Compensation and Expenses**

Members of the Board may be reimbursed in accordance with KVEC travel regulations for all necessary expenses incurred in attending any meetings or in making any trips on official business as a representative for KVEC. Reimbursement shall not be made for travel to or from regular meetings of the KVEC Board.

## Section

# 2

## Administration

### 02.1 Participation in KVEC Services and Programs

Membership in the Kentucky Valley Educational Cooperative includes those districts paying annual dues. School districts may request membership by making a verbal or written application to the Board of Directors. Applicants will be notified of the decision of the Board.

If a school district joins the cooperative during the school year, their dues shall be pro-rated as determined by the number of weeks remaining in the current (fiscal) school year at the time they join. A member district may resign its membership for the upcoming fiscal/school year by submitting a letter of resignation to the Board of Directors before May 1 of any year.

Each school district participating in the Cooperative shall pay an administrative cost consisting of membership dues and service fees which shall be established by the Board of Directors. Initially the membership dues shall be determined annually in conjunction with the development and approval of the budget. A full accounting of these funds shall be provided upon request to assure that all monies are spent for delivery of KVEC-approved programs and services.

Consideration of the dues structure and any action to change the existing structure shall be taken at the April Board meeting of each year.

All personal and real property acquired under this agreement shall be considered the joint property of the Cooperative and all participating districts and shall be held in trust by the members of the Board of Directors of the Cooperative, providing proper declaration and explanation of the trust in the deed instrument.

#### 02.11 Qualifications of the Executive Director

The Board holds the Executive Director responsible for the efficient management of KVEC. The Board expects the Executive Director to carefully administer the organization and administration of both material and personnel resources in such a way as to achieve the Board's objective of the best possible social and educational programs.

It is the responsibility of the Board to attract and retain the services of a qualified and experienced educator to serve in this capacity. The Executive Director must have demonstrated competence and ability as an educational leader.

## 02.12 Duties/Responsibilities of the Executive Director

While the primary functions of the Board are policy development and adoption and goal appraisal, the function of the Executive Director is executive. The Executive Director is the administrative head of all programs of the Cooperative. The Executive Director may delegate duty and authority for the operation of the various programs but retains responsibility to the Board for the results produced. The Executive Director administers KVEC, carrying out the policies and guidelines established by the Board and, when necessary, identifying inconsistencies and recommending revisions in the Board's policies and guidelines.

The Board will not bypass the Executive Director, but rather will leave administration of its policies and guidelines to him/her. The execution of policy through detailed steps and procedures of administration is the duty and responsibility of the Executive Director, who may delegate authority to staff. The administrative function of the Executive Director is in keeping with the concept that the Executive Director carries out policy through the administrative function delegated to him/her by the Board. In assisting the Board in its appraisal function, evaluating and reporting are major responsibilities of the Executive Director.

The Board recognizes that the working relationship between the Board and the Executive Director is of prime importance. This relationship determines whether or not the Executive Director and Board can function effectively in their mutual roles. The Board must grant the Executive Director authority, support, and resources necessary to enable accomplishment of the job for which s/he was employed. Therefore, the relationship between the Board and the Executive Director must be based on mutual trust and understanding.

The Board's responsibility is to make its expectations known to the Executive Director. Such expectations will be based on clear understanding of the functions of KVEC and the Executive Director, as set forth in Board policy and guidelines.

### *Executive Director Responsibilities*

Duties and responsibilities include:

- *Administration* –Administer the Cooperative program of services with care that equal opportunities are guaranteed for all.
- *General Supervision* – Provide general supervision of the organization with specific attention to day-to-day operations.
- *Policy* - Recommend new policies or revision of old policies to cover changing conditions.

- *Planning* – Plan effectively from year to year with special attention to long-term consequences for the organization.
- *Budget* – Develops budget recommendations reflecting knowledge of accurate income. Take care that expenditures reflect an appropriate delivery of services as dictated by the Board of Directors.
- *Board of Directors* – Prepare and cause to be delivered to each Board member the proposed agenda for each meeting of the Board. Cause to be prepared for the approval of the Board all minute records and proceedings of the Board.
- *Programs* – Develop programs and price them accordingly to meet the needs of member districts. Supervise federal programs conducted by the Cooperative and assure compliance with all civil rights requirements, e.g., Title VI and Title IX.
- *Personnel* – Employ all personnel and issue a notice of appointment. Appoint staff, within the limits of the approved program and general operation budget. Assign, re-assign and dismiss Cooperative personnel. Prepare job descriptions and specifications for all certified and non-certified staff positions and a personnel evaluation system for Cooperative staff. Job descriptions and specifications shall be maintained and available through the Cooperative Business Operations Lead.
- *Technology* – Keep abreast of developments in all areas of technology and proposes innovative use in member districts.
- *Instructional Support* – Develop programs that will enhance the instructional programs in member districts and will encourage use of KVEC offerings.
- *Communications* – Represent KVEC and member districts in its relations with the Kentucky Department of Education and through attendance at local, regional, state, and national educational conferences and meetings. Appoint advisory groups to help the staff provide programs of services to school districts.
- *Miscellaneous* – Perform other duties as assigned by the Board of Directors.

## **02.131 Contract of the Executive Director**

The Board shall determine the Executive Director’s contractual term, which can be for a term of from one (1) to four (4) years. The Executive Director may request an extension to the existing contract.

## **02.14 Evaluation of the Executive Director**

The Board of Directors will review the performance of the Executive Director.

## Section

# 3

## Personnel

It is the intent of the Kentucky Valley Educational Cooperative to recruit and hire staff who are committed to performing their work with a positive approach to achieve its mission. All KVEC employees agree to comply with the policies outlined in the policy manual.

It is the goal of the Board to employ qualified personnel for all positions in the Kentucky Valley Educational Cooperative; to establish fair and equitable procedures for transfers and promotions within the Cooperative; and to provide, to the extent possible, working conditions and resources to enable each employee to perform to the greatest potential within the employee's assigned position.

Selection of candidates for training and/or promotion will be made upon the basis of demonstrated capability, competence, and appropriate experience.

A comprehensive and flexible orientation program to the Kentucky Valley Educational Cooperative shall be developed by the Executive Director. This orientation shall be designed for both certified and non-certified personnel. The orientation program shall be planned and implemented to include consideration of the social, emotional, and personal concerns of new employees.

The nature of the Cooperative and its programs will require the establishment of a variety of working relationships between Cooperative personnel and the participating district schools. These relationships may vary from occasional in-school visits by Cooperative personnel to part-time, or even full-time, employment in a particular school.

The Executive Director is responsible for the performance of all employees. In turn, the Executive Director holds program directors responsible for the performance of program employees.

Infractions of all school or school district rules and policies by Cooperative personnel while they are in individual schools will be reported by the school's Principal to the Cooperative's Executive Director.

Regular attendance on the job is important to KVEC's successful operation. Frequent or unexplained absence from work, or tardiness in reporting for work will seriously impair the value of staff service to KVEC and will be considered sufficient cause for disciplinary action, including possible termination of employment.

If a staff member must be absent due to illness, accident or other unavoidable cause, the staff member should telephone or otherwise advise the Executive Director's office or his/her immediate supervisor. This notification is expected to occur in a reasonably timely manner for each day absent unless it is understood by his/her immediate supervisor that the staff member will be absent for a certain number of days.

Regardless of the resolution of various issues that may arise, it is incumbent upon all Cooperative personnel to recognize the authority of the local school districts and respect the wishes of local school administrators.

Physical and administrative arrangements shall promote and enhance staff effectiveness in performing certified and non-certified duties. In order to better facilitate the effectiveness of all KVEC programs, program directors will be responsible for securing space for presentations/programs provided by said program and will be responsible for cleaning the space upon completion of presentation/program. At the end of each workday, KVEC employees should leave the common workspace in an orderly condition; sound, safe housekeeping habits are the responsibility of all employees.

### 03.1 Employment Status

#### *Employee Classifications*

At time of employment, personnel status shall be determined based on the following designations:

- *Certified* – An employee holding a position that requires a four-year degree who is considered as “exempt” under Wage and Hour standards.
- *Non-certified* – An employee holding a position that does not require a four-year degree who, depending on the job requirements, may be considered as either “exempt” or “non-exempt” under Wage and Hour standards.
- *Probationary* – Non-certified employees working an initial six-month period, after which it will be determined whether employment will continue.

Full-Time employee is defined as any employee who has a contract stating s/he will be working at least 1320 hours or 165 days.

Full-time and part-time employees shall fall under one (1) of the following classifications:

- Exempt – employees are those whose position requirements and job duties meet the legal definition of an exempt employee under applicable law.

Non-exempt– employees are those holding positions that support logistical operations of KVEC programs and services and/or are non-exempt as defined by applicable labor laws. These shall be hourly employees.

All other classifications, as listed below, shall not be eligible for any employment benefits beyond pay and coverages required by law:

- *Consultant* - An individual who provides services for KVEC on an “as-needed” basis. Prevailing practices for paying consultants vary depending upon the relevant experience and professional prestige of the consultant in relation to their purpose.
- *Shared-Time Contracted Personnel* - A contract agreement is entered into when the Cooperative needs the skills of an individual to provide a specific service or to develop a specific product. The agreement shall specify the scope of work and/or end items to be received by the Cooperative. Contractual agreements for personal services may be with an individual or with an entity for the entity’s or the services of individuals.
- *Part-time* – Individuals may be hired on a part-time basis, including those employed part-time by another organization who are free to negotiate a portion of their time for other employment.
  - (A) Part-Time employee is defined as any employee working less than 1320 hours or 165 days. Such persons shall keep time and attendance reports as required and be paid through the Cooperative's payroll account.

## 03.11 Hiring

### *Authority to Employ*

Appointments, promotions, and terminations of employees will be made by the Executive Director. The Executive Director will prescribe the duties and administer compensation as outlined in 03.121. The Executive Director shall inform the Board of all personnel actions at the next regularly scheduled Board meeting.

Employment of KVEC staff is employment in KVEC and not in a particular position.

For employees who are hired pursuant to and directly as a result of an agreement with an outside entity or agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

### *Probation Period – Non-exempt Employees*

Following successful completion of the probationary period, non-exempt employees will be awarded a maximum one (1) year contract containing a provision that either party can terminate the contract with two (2) weeks’ notice. If more time is needed to sufficiently evaluate employee performance, the Executive Director may extend the probationary period.

During the probationary period, employees are eligible for those benefits required by law and may also be eligible for other employer-provided benefits at the discretion of the Executive Director as referenced in Policy 03.1, subject to terms and conditions of the particular program.

*Qualifications*

The Executive Director, in determining the eligibility of a particular candidate for appointment to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative. In addition, as a condition of employment, each new employee must properly complete, sign and date an I-9 form required by federal law to determine eligibility for employment in the United States. Before beginning work, newly rehired employees must also complete the form if they have not previously filed one with KVEC, if their previous form is more than three (3) years old, or if their previous I-9 form is no longer valid.

For certified staff, contracts will be awarded for a maximum period of one (1) year (partial year for mid-year start) beginning July 1 (or hire date if after July 1) and ending June 30 of the following year. Certified personnel will have a six (6) months probationary period for the first year's contract. Certified employees on probationary status will be notified of their continuation or non-continuation at least forty-five (45) days prior to the termination of their probationary status.

For non-certified staff, contracts will be awarded for a maximum period of one (1) year (partial year for mid-year start) beginning July 1 (or hire date if after July 1) and ending June 30 of the following year. A probationary period of six (6) months will be required of non-certified personnel. Non-certified personnel on probationary status shall be notified of their continuation at least fifteen (15) days prior to the termination of their probationary status.

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the immediate supervisor within ten (10) working days of receipt.

*Creation of New Positions*

The creation of a new position shall require prior approval of the Board of Directors. The Executive Director shall employ all employees. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with KVEC Board personnel policies.

No director, manager, supervisor, or representative of KVEC has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

*Job Posting*

New and vacant positions of the Cooperative will be advertised through posting links on the KVEC web site. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and another entity.

It is the policy of the Board of Directors to promote internal advancement of Cooperative personnel when that advancement benefits the Cooperative. The Executive Director shall give first consideration for openings to applicants who are current KVEC employees and who hold qualifications equal to or better than those required for the position. This provision shall not be interpreted to limit the discretion of KVEC to seek and obtain the best qualified individual for employment with KVEC. The posting shall include required education, experience, basic duties and responsibilities, date of opening and closing for acceptance of applications, and the salary range of each position.

*Criminal Records Check*

Employment/assignment shall be contingent on receipt of records from a state and national criminal background check and sex offender registry documenting that the individual has not been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a sex crime defined by KRS 17.500, a misdemeanor offense under KRS Chapter 510, is required to register as a sex offender, or other conviction determined by the Executive Director to bear a reasonable relationship to the ability of the individual to perform the job.

Initial and continued employment/assignment shall also be contingent on receipt of a letter from the Cabinet for Health and Family Services (Cabinet) documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

All personnel, volunteers or interns shall report to the Executive Director if they have ever or at any point in the future while affiliated with the Cooperative are accused of, participated in or been convicted of sexual misconduct, child abuse/neglect or a crime. As a condition of employment/assignment the Cooperative will conduct reference checks from a minimum of two (2) entities in which the applicant has worked or been affiliated.

After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

A release form will be signed by all staff, volunteers or interns and kept on file allowing the Cooperative to request at any time a state and national criminal background check, child abuse or neglect check and to search the state and national sex offender registry.

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established financial procedures and fraud prevention measures.

The Executive Director may require through bid specs or negotiation requirements that a contractor submit to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. "Contractor" shall refer to an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity. The term "contractor" includes an employee of a contractor.

### **03.111 Medical Examinations**

The Board may require an employee upon a conditional offer of initial employment, to submit to medical examinations, including a TB test, provided they are based on job-related criteria and comply with the American with Disabilities Act (ADA) and privacy laws. Initial examination will be at the expense of the employee. The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of the drug, alcohol, or medical tests and verifies the employee is qualified for final employment. Medical information shall be kept confidential and maintained separately from other information in an employee's personnel file.

### **03.113 Equal Employment Opportunity**

The KVEC Board and the Executive Director shall exercise every equitable means to provide the opportunity for equal employment to all employees and applicants for employment, without regard to race, color, religion, sex (including sexual orientation or gender identity), genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions in accordance with applicable state and federal law.

The Executive Director shall adhere to a policy of equal employment opportunity in all personnel matters, including employment, promotion, demotion, transfer, recruitment practices, layoff or termination, rates of pay or other terms of compensation, and selection for training in all positions.

The Executive Director is responsible for the overall adherence to this policy.

KVEC shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

#### *Individuals with Disabilities*

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.

KVEC employment practices shall be in accordance with requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, as amended by the American with Disabilities Act.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

Employees who have a long term or permanent disability may request the Executive Director to provide reasonable accommodation necessary for them to perform the essential duties of the position. Reasonable accommodation shall be provided as required by law.

### **03.12 Benefits/COBRA Notification**

KVEC provides eligible employees with a wide range of fringe benefits, including those prescribed by law. Questions about eligibility for benefits and available programs should be directed to the Payroll Officer or Executive Director.

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility.

At the time of initial employment an employee shall be given the first COBRA notification and a written notice describing rights granted under COBRA. The second notification and continuation of benefits shall be contingent upon the employee's loss of eligibility due to a qualifying event.

### **03.121 Compensation**

#### *Salaries*

The Kentucky Valley Educational Cooperative strives to maintain a competitive salary schedule comparable to salary schedules for other organizations of similar scale and engaged in similar work.

The Board of Directors shall establish the salary of the Executive Director and Associate Director. The Executive Director shall recommend salaries for all employees within the budget parameters established by the Board of Directors.

Certified employee placement on the approved KVEC salary schedule and salary increases are based on the recommendation of the Executive Director and approved by the Board through the annual programmatic operational budget.

The salaries of non-certified personnel will be based on program funds and may be increased through promotion and/or annual merit increase. Placement on the approved KVEC salary schedule and salary increases are based on the recommendation of the Executive Director and approved by the Board through the annual programmatic operational budget.

#### *Pay Dates*

Payroll checks to certified and non-certified personnel will be issued on the first (1st) and the fifteenth (15th) of each month unless that date falls on a weekend or a holiday. If the first (1st) or the fifteenth (15th) falls on a weekend or a holiday, payroll checks will be issued the weekday prior.

*Overtime*

FLSA non-exempt employees shall not work overtime hours beyond a forty (40)-hour workweek without prior written authorization of their immediate supervisor. If overtime is approved, then employees shall be paid overtime pay at the rate of one and one-half (1½) times the regular hourly rate. For purposes of calculating overtime, the work week shall be Sunday through Saturday.

Unless granted prior approval, non-exempt employees must adjust their work schedule during the week to avoid working more than 40 hours in any workweek. In adjusting their schedule, the employees will consult with their immediate supervisors to take time off to keep from exceeding the 40-hour maximum and yet not cause undue disruption by being absent from work. It is the responsibility of the immediate supervisor to assure that employees under their supervision adhere to this requirement.

*Compensated Outside Services*

As an employee of KVEC, your primary responsibility is to the organization. No employee shall accept outside employment activities which will prevent him/her from fulfilling regularly assigned KVEC duties and obligations. In addition, all employees are prohibited from engaging in outside employment, business, or other activity that might have an adverse effect on or create a conflict of interest with KVEC.

*Death*

The legal beneficiary of the deceased KVEC employee shall receive his/her earned pay.

**03.1211 Salary Deductions**

KVEC provides information about optional programs (insurance, retirement, tax-deferred or annuity) and will handle payroll deductions to vendors selected by employees. However, employees should address questions about specific coverage or benefits to the company handling a particular program.

Additional insurance and coverage may be provided by the Board upon recommendation by the Executive Director. Cooperative personnel may have additional insurance protection and a payroll deduction for additional insurance coverage may be made at the request of the employee

**03.122 Holidays and Annual Leave**

KVEC observes six (6) holidays. Employees can use their six (6) paid holidays or non-contract days on those listed below:

- |                        |                           |
|------------------------|---------------------------|
| New Years Day          | Labor Day                 |
| Martin Luther King Day | Thanksgiving Day          |
| President’s Day        | Friday after Thanksgiving |
| Memorial Day           | Christmas Day             |
| Fourth of July         |                           |

Holidays falling on Saturday will be observed the preceding Friday, and holidays falling on Sunday will be observed the following Monday.

Beginning July 1, 2024, all personnel who are employed for a minimum of 240 days annually shall be entitled to twenty (20) paid annual leave days per year that may be accumulated to a maximum of sixty (60) days. For employees having worked three years or more with the cooperative, compensation for accrued unused annual leave shall be made at time of retirement, resignation, or termination at a rate not to exceed the daily salary rate calculated from the employee's last annual compensation or as governed by applicable statutes and regulations.

Recognition of annual leave for TRS purposes shall be governed by applicable statutes and regulations.

Annual leave shall be granted on July 1<sup>st</sup> of each school year and must be either banked or used with the approval of the Executive Director by June 30<sup>th</sup> of that school year. Employees may withdraw days already banked with prior approval of the Executive Director.

#### *Employees on Leave*

Employees on paid leave of absence at the time of an official KVEC holiday shall receive pay for that holiday. Employees on unpaid leave of absence shall not be paid for the holiday.

#### *Contracted Days*

Employees shall work the days specified in their contracts. Use of non-contracted days must be approved in advance by the Executive Director or designee. Non-contracted days shall not accumulate.

### **03.123 Absences/Unpaid Leave**

Authorization of leave and time taken off from one's job shall be in accordance with a specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

#### *Absences*

Employees are expected to notify their immediate supervisor when they must be tardy or absent.

An employee who is absent from duty without approval shall report the reason to his/her supervisor as soon as reasonably possible. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Unauthorized absences include, but are not limited to, days which result in the employee failing to meet his/her contract commitment. Such absences without leave may be grounds for suspension or termination of employment. Three (3) or more such absences shall be cause for termination.

*Leave Authorization*

In order to provide the highest level of service, employees are expected to be at work and on time every day. However, when circumstances dictate, KVEC provides various types of leave under which absences may be authorized. Please note that in many cases a written request, submitted for approval before leave begins, is required. Authorization of leave shall be made in accordance with specific leave policy.

*Long-Term Leave*

Employees on long-term unpaid leave shall notify the Executive Director in writing by April 1 of the year the leave terminates of the date of their intent to return to KVEC. Employees who fail to notify the Executive Director of their return by April 1 shall not be guaranteed employment for the following work year. If an employee on leave has not contacted the Executive Director by April 1, the Executive Director is authorized to fill the position for the following year. Where an employee in the final year of leave fails to contact the Executive Director by April 1, to either request an extension of leave or to provide a date of return, the Executive Director may determine whether personnel action is required.

*Holidays/Leave Accrual While on Unpaid Leave*

During an employee's unpaid leave of absence, sick leave shall not accrue. Employees shall not be paid for holidays that occur during the unpaid leave period.

**03.1231 Personal Leave**

KVEC provides three (3) personal leave days per year with full pay to eligible employees who wish to take time off from work duties to fulfill personal obligations or to meet an emergency. Unused personal leave days will be counted as sick leave days, with the exception of retirees who return to work after January 1, 2022. Only employees in the following employment classifications are eligible to request personal leave as described in this policy:

- \* Certified employees who work 240 days; and
- \* Non-certified employees who work 240 days.

Personal leave time for employees who work less or more than 240 days will be based on the formula below and calculated to the nearest full day.

.0125 X Hours Contracted (i.e. 1920 hours = 24 personal hours)

.0125 X Days Contracted (i.e. 240 days = 3 personal days)

Leave time should be scheduled by all employees to interfere the least with the work of the Cooperative. Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Approval of the immediate supervisor of the employee and the Executive Director will be required for all such leave.

*Fractional Days*

A non-exempt employee may not take such leave in less than two (2) hour increments.

### **03.1232 Sick Leave and Donation Program**

KVEC provides ten (10) days of paid sick leave to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s) for sick leave include:

- \* Certified employees who work 240 days; and
- \* Non-certified employees who work 240 days.

Sick leave time for employees who work less or more than 240 days will be based on the formula below and calculated to the nearest full day:

.0417 X Hours Contracted (i.e. 1920 hours = 80 sick hours)

.0417 X Days Contracted (i.e. 240 days = 10 sick days)

Sick leave days not taken during the year in which they were granted shall accumulate without limitation to the credit of the employee to whom they were granted, with the exception of retirees who return to work after January 1, 2022.

Retirees returning to work after January 1, 2022, employees who resign, or are terminated are not entitled to any sick leave compensation payout when they leave KVEC.

An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional days may be used when the need is verified by a physician's statement.

Persons employed on a full-year contract but scheduled for less than a full workday shall receive the authorized sick leave days equivalent to their normal working day.

“Sickness” shall mean personal illness, including illness or temporary health restrictions arising from pregnancy.

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. “Immediate family” shall mean the employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, including step-brothers and sisters, parents, including step-parents, spouse's parents, grandparents, including step-grandparents, and spouse's grandparents, without reference to the location or residence of said relative, and any other blood relative who resides in the employee's home.

As long as there has been no break in employment, employees coming to KVEC from a Kentucky school district, Kentucky public college or university, Kentucky educational cooperative, or from the Kentucky Department of Education may transfer verified accumulated sick leave to KVEC at the discretion of the Executive Director.

Upon return to work, an employee claiming sick leave may be required to file a personal statement or certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill. In the case of excessive absenteeism or an extended absence, an employee's supervisor may require a certificate of a physician stating that the employee was ill and when they may return to work. When an employee returns to work or desires to return to work and, in the opinion of the Executive Director, there is uncertainty about whether an employee is able to satisfactorily perform the assigned duties, the Executive Director may require the employee to provide evidence of fitness in the form of an examination and report by a physician.

#### *Fractional Days*

A non-exempt employee may not take such leave in less than two (2) hour increments.

#### *Sick Leave Donations*

Sick leave donation refers to the voluntary contribution of accumulated sick days by one employee to another employee under procedures established by this policy. Sick leave donation shall be considered under the criteria established in this policy.

Employees possessing thirty (30) or more accumulated sick days are eligible to volunteer up to fifteen (15) days of their accumulated sick days to another employee. A donating employee may not request an amount of sick days be donated that reduces his or her sick leave balance to less than fifteen (15) days. The Executive Director must approve the request to transfer sick leave days. An employee on probationary employment shall not be eligible to participate in the sick leave donation program.

An employee is eligible to receive donations of sick leave if:

1. The employee or a parent, child, brother, sister, or the spouse of any of them, or any person related by blood or affinity with a similarly close relationship suffers from a medically certified illness, injury or impairment or physical or mental condition that has caused or is likely to cause the employee to be absent for at least ten (10) days; or

The employee suffers from a catastrophic loss to his or her personal property due to either a natural disaster or fire that either has caused or will cause the employee to be absent for at least ten (10) or more days.

2. The employee receiving the donation must have exhausted his/her accumulated sick leave and all other available accumulated paid leave provided by the Cooperative.
3. The employee receiving the donation must be in compliance with the Cooperative's policies governing the use of sick leave.

All donations of accumulated sick leave are voluntary and no employee or supervisory personnel may in any way require, demand, or pressure any employee to donate accumulated sick days. Violation of this provision shall result in disciplinary action by the Executive Director.

Any sick leave that remains unused or is not needed by the employee shall be returned to the employee donating the sick leave.

The Executive Director or designee shall maintain in current and accurate status the records of accumulated sick leave for each employee. Employees desiring to donate one or more accumulated sick days shall complete the appropriate Sick Leave Donation Form. The Executive Director or his/her designee shall verify that the donating employee as well as the recipient employee meets the requirements of this policy before approving the donation.

## 03.12322 Family and Medical Leave

### REASONS

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Executive Director, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and

To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

### NOTICES AND DEADLINES

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave entitlement should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The Cooperative may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of the Cooperative receipt of a request or the Cooperative being made aware of a potentially qualifying reason.

NOTE: Only the Cooperative's Executive/Associate Director or Business Lead may contact an employee's health care provider to clarify or authenticate an FML certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.

- The Cooperative shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).
- Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

## ELIGIBILITY

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the Cooperative for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the Cooperative during the twelve-month period are to be combined with hours they would have worked for the Cooperative had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the Cooperative shall apply the law affording the employee the greater benefit.

## RESTRICTIONS

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers' compensation leave.) However, when an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both spouses are employed by the Cooperative, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by the Cooperative and are eligible for leave that involves a covered Armed Forces service member/veteran.

Unused family and medical leave shall not accumulate from year to year.

#### INTERMITTENT LEAVE/REDUCED HOURS

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis.

#### CONTINUATION OF BENEFITS

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

#### RETURN TO WORK

As noted by the required notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the Cooperative in a list attached to the certification form.

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

#### NOTICE

The Cooperative shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the KVEC Office and each worksite and distributing notices as required by law.

### **03.1234 Extended Disability Leave**

Unpaid extended disability leave may be granted only after accumulated sick leave days have been exhausted.

A physician's statement shall be required when requesting an unpaid extended disability leave of absence. The statement shall indicate the estimated recovery time. A second physician's statement may be required on either the request of the Executive Director or the employee. The cost of the second physician's statement shall be borne by the party requesting the statement.

The length of extended disability leave shall be based on the recommendation of the employee's physician. Such leave shall normally not exceed three (3) months.

The Executive Director may lengthen the period of extended disability leave granted based on the recommendation of the employee's physician and upon the employee's request. The requesting party will choose and pay for any physician charges. A second physician's statement may be required on the request of the Executive Director. The cost of the second opinion shall be borne by KVEC.

Employees on extended disability leave shall notify the Executive Director in writing of their intent to return to KVEC on or before the date prescribed. Employees who fail to notify the Executive Director of their return by the date prescribed may not be guaranteed employment for the following year.

When, in the opinion of the Executive Director, there is evidence that an employee is no longer able to satisfactorily perform the assigned duties, the Executive Director may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Executive Director's choosing. KVEC shall bear the cost of this examination. The Executive Director may place the employee on involuntary disability leave pending the physician's examination.

When the Executive Director's personal health is in question, the Board may place the Executive Director on involuntary disability leave pending a physician's examination.

### **03.1235 Educational Leave**

Upon written request and recommendation of the Executive Director, the Board may grant certified or professional personnel a leave, without pay, not to exceed two (2) consecutive years for the purpose of obtaining additional training to enhance professional skills. Leave may be granted for full-time attendance at universities or other training activities approved by the Board when those activities are related to the employee's job or to other jobs an employee might hold at KVEC. Leave shall not be granted for part-time educational activities or to persons holding full-time employment during the period of leave.

Written application for educational leave must be made at least sixty (60) days before the beginning of the year.

#### *Other*

The Board may grant leave of absence for a period not to exceed the length of the contract for the following purposes, without pay:

1. For assignment to and attendance at college, university, or business school for the purpose of training in subjects related to the work of the employee; or

2. For purposes other than above that are deemed to be in the best interest of KVEC, as determined by the Board.

### **03.1237 Jury/Court Leave**

Employees shall be entitled to leave of absence from duties, without loss of time or pay, for that amount of time necessary to comply with subpoenas by any court, federal, state, or political subdivision thereof, to serve as a juror or witness, except in cases where the employee or a member of his/her family is a party plaintiff or defendant in court action. This leave shall include necessary travel time. If relieved from duty as a juror or witness during normal working hours, the employee shall return to work. Employees shall be granted jury duty with regular pay less any compensation received as jury pay.

Persons who will be absent from work for jury/court leave must give advance notice to their immediate supervisors. Documentation of such leave shall be provided upon the employee's return to work, including, but not limited to the initial letter notifying the employee that (s)he is to serve.

Private Litigation: When an employee is subpoenaed in private litigation by some party other than the Federal government or the State of Kentucky to testify not in an official capacity, but as an individual, such individual must take vacation leave, or leave without pay, if sufficient vacation leave has not been accumulated. Any compensation received for services rendered may be retained by the employee.

Witness for Federal or State Government or Subdivision Thereof: When an employee, in obedience to a subpoena or direction by proper authority, appears in an official or nonofficial capacity as a witness for the Federal government, the State of Kentucky, or a political subdivision thereof, (s)he shall be granted civil leave with pay for such duty. Any compensation received as such a witness shall be turned into the Cooperative. If the employee elects to take vacation leave or leave without pay rather than civil leave with pay, (s)he may retain any compensation received as a witness.

### **03.1238 Military Leave**

Military leave will be granted to KVEC personnel under the provisions and conditions specified in law.

Employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or the reserve corps of the United States Public Health Service shall be entitled to military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled by law. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Determination of the period of military leave to be granted shall be made according to statutory requirements.

### 03.1241 Workers' Compensation

All personnel shall be covered under Worker's Compensation and entitled to the benefits provided by the Worker's Compensation laws. Injuries incurred within the scope and course of the employee's duties must be reported to the employee's supervisor as soon as practical.

Employees shall not be required to use sick leave in connection with a work-related injury. However, employees claiming workers' compensation income benefits who have sick leave available may choose to use sick leave in order to maintain the equivalent of full salary for the days they are unable to work. Employees shall not be entitled to payment in excess of one hundred percent (100%) of contracted salary.

To maintain full salary, employees may voluntarily elect to use sick leave to which they are entitled. To coordinate benefits in connection with the employee's election to use sick leave, the employee shall pay to the KVEC a sum equal to workers' compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers' compensation benefits check to the KVEC or by paying the KVEC by personal check or cash. The employee's sick leave balance shall then be reinstated to the extent of such payment.

### 03.125 Travel Authorization and Reimbursement

**Authorization:** Official travel shall be authorized in advance. The responsibility for approving travel shall be that of the Executive Director or his/her designee.

**Blanket Authorization:** Established field travel in the Cooperative area may be covered by blanket authorization for definite periods of time as prescribed by the Executive Director.

**Use of Automobiles:** Automobile transportation shall be used when common carrier transportation cannot be satisfactorily scheduled. Employees traveling in private automobiles shall be reimbursed at a rate matching the rate for state employees and approved by the Commonwealth of Kentucky. This rate will be set on a quarterly basis and announced by the Commonwealth Office of Budgetary Controls; however, if two or more employees travel together, mileage reimbursement will be made to only one employee. Car-pooling should be used in all circumstances.

1. Mileage commuting between home and workstation shall not be paid.
2. If an employee's point of origin for travel is the employee's residence, mileage shall be paid for the shorter of mileage between: (a) Residence and travel destination: or (b) Office workstation and travel destination.
3. Employees who work at more than one workstation in a day will be reimbursed for mileage from one workstation to the other. However, mileage from their home and their first workstation as well as mileage from their last workstation and their home is not reimbursable.

**Lodging:** An employee shall be reimbursed for the actual cost of lodging if the lodging is determined to be the most economical and the employee provides the establishment's receipt to be reimbursed for travel expenses. Reimbursement for lodging shall not exceed the cost of a single room rate, except that if employees share lodging, each employee shall be reimbursed the lesser of the single rate or one-half the double rate.

**Subsistence:** Subsistence shall be reimbursed at a rate matching the rate for state employees and approved by the Commonwealth of Kentucky with the exception that non-high-rate areas will be defined as in-state and high-rate areas will be defined as out-of-state. Current rates may be found here:

<https://finance.ky.gov/office-of-the-controller/office-of-statewide-accounting-services/Pages/state-employee-travel.aspx>

An employee shall be eligible for reimbursement for subsistence for breakfast, lunch or dinner expenses while traveling if the authorized work requires an overnight absence during the hours established below.

Breakfast: authorized travel before 6:30 a.m.

Lunch: authorized travel before 11:00 a.m.

Dinner: authorized travel before 5:00 p.m.

For example, to be eligible for breakfast reimbursement, an employee shall leave at or before 6:30 a.m. and stay overnight. If that employee arrived back at their point of origin before 5:00 p.m. following the overnight absence – that employee would be eligible for reimbursement for the following meals: Day One – breakfast, lunch, and dinner. Day Two – breakfast and lunch.

Daily subsistence reimbursement amounts may be combined but will not exceed the maximum approved daily rate. In addition to the daily subsistence reimbursement amount, tips will be reimbursed as outlined below.

**Tips, etc.:** Tips should not exceed fifteen percent (15%) of the daily subsistence reimbursement amount, but may exceed fifteen percent (15%) when charged as an automatic gratuity/service charge. Regulations imposed by funding agents will be honored.

**Ticket:** The traveler's copy of tickets obtained for travel (air, train, bus, etc.) shall be submitted with the monthly travel expense voucher.

**Taxis:** Limousine service and taxi fares necessary for the transport of travelers will be paid according to actual cost, excluding tips. A receipt for this expense is required, and each fare must be listed separately on the expense account.

### **Monthly Travel Expense Requests/Reimbursement**

Expenses will be recorded on the Travel Expense Voucher form, supported by receipts, and submitted by the fifth (5th) day of the month. The supervisor will check for accuracy of computation and allowable expenses and forward to the Executive/Associate Director for approval before payment is made.

### **03.1311 Transfer**

Only the Executive Director is authorized to transfer employees. The Executive Director shall report all transfers made under this policy to the Board of Directors.

#### *Voluntary Transfers*

Employees desiring a transfer or reassignment and with proper qualifications shall be given due consideration. Requests shall be made in writing to the Executive Director with a copy sent to the employee's current immediate supervisor.

#### *Involuntary Transfers*

When extenuating circumstances dictate the transfer or reassignment of personnel, the Executive Director shall have sole authority to make such transfers or reassignments. In such instances, the employee's preferences for assignment shall be given due consideration by the Executive Director.

### **03.1312 Promotion**

Only the Executive Director is authorized to promote employees. The Executive Director shall report all promotions made under this policy to the Board of Directors.

When a new position or vacancy occurs that is at a level above an employee's current position, in terms of pay and/or responsibility, all qualified employees, except for those on probationary status, may apply for the position. The appointment process may require employees to compete for the promotional position with all other interested parties both within and outside the Cooperative.

The Executive Director may promote an employee into a vacant or new position without advertising the position or vacancy if such an action is in the best interest of the Cooperative.

### **03.132 Supervision**

Supervision of Cooperative personnel will be the responsibility of the Executive Director or his/her designated representative. In those cases where programs are in individual schools, supervision will remain the responsibility of the Executive Director or his/her representative. However, it is understood that the activities and the decisions pertaining to the school/school district are under the jurisdiction of the school/school district administrators.

Each employee will be assigned a supervisor.

#### *Job Descriptions*

There shall be written job descriptions for all employees of KVEC. Job descriptions shall include qualifications, reporting relationships, performance responsibilities, work year, type of employment e.g. part-time vs. full-time, and FLSA status.

*Standards of Conduct*

To fulfill the mission and goals of KVEC, the work environment must reflect an atmosphere of cooperation and professional courtesy. To promote such an atmosphere, employees shall conduct themselves during their working hours and, in the context of their assigned duties, in a manner consistent with the following standards:

- Employees shall demonstrate civility and professional courtesy to all individuals with whom they have contact.
- Employees shall address and publicly refer to their co-workers only in terms reflecting respect and common courtesy. Examples of behaviors that should be avoided include profane or insulting name calling, stories, or pictures of or about a co-worker intended to stigmatize him or her.
- Employees who fail to observe these standards shall be subject to appropriate disciplinary measures, up to and including termination of employment.
- Employees are expected to follow policy in intervening and reporting to their supervisor those situations that endanger the safety of students, other staff members, or visitors to the workplace. Such instances shall include, but are not limited to, bullying or hazing of students and harassment / discrimination of staff, students or visitors by any party.
- Employees shall cooperate fully with all investigations conducted by KVEC as authorized by policy or law. Failure to comply may be considered insubordination.

### **03.1321 Use of KVEC Property**

No KVEC employee shall use any building, equipment, or other property owned by KVEC for personal use, unless otherwise approved by the Executive Director or Board. Only KVEC staff and other authorized persons conducting KVEC business may use KVEC equipment.

This policy applies to all Cooperative-issued electronic devices deemed appropriate and necessary for use by an employee in the completion of their job responsibilities.

#### **A. Issuance Standards**

Project Directors are responsible for conducting a needs assessment prior to authorizing the acquisition of an electronic device. Necessary electronic devices will be issued to employees after determining the programmatic need of the Project and the employee's effectiveness.

#### **B. Acquisition Standards**

After determining and approving the work-related need for an electronic communication device, the appropriate Project Director or other administrator will select the most cost-effective device available. Equipment and service shall be acquired in accordance with standard Cooperative procurement procedures.

### C. Usage Standards

Personal use of a KVEC electronic device is prohibited, except in cases of personal emergency or when extended work hours, unexpected travel or other unanticipated changes in job-related circumstance require the employee to contact family members, teachers, doctors, daycare providers, or others affected by the change.

All personnel shall be responsible for KVEC property, equipment, supplies, publications, furniture, and apparatus under their care and use. An employee shall immediately report any damaged, lost, stolen, or vandalized property to his/her immediate supervisor.

Discussions of confidential information over a mobile electronic communication device should only be conducted using appropriate safeguards in keeping with standards and acceptable legal, and KVEC practice.

Unless otherwise specifically approved by the Executive Director or designee, an employee shall not use KVEC property for personal gain or benefit or to perform outside work.

## 03.13211 Technology Acceptable Use Policy

KVEC provides access to the Internet, e-mail, and voice-mail services to staff. This access is for use only by staff members and only for the purposes of performing their duties and responsibilities. No staff member may use KVEC's equipment for personal Internet use or for personal e-mail. The use of this service does not now, nor never imply security or privacy of the account. The services can and will be monitored for violations of the acceptable use policy. By using this service, the staff member is agreeing to these terms.

KVEC provides access to the Internet through its own service and through that of partner school districts where applicable. KVEC staff housed in or provided access to partner District Internet or E-mail resources shall adhere to the host District's acceptable use policies and procedures.

Use of the KVEC Internet, e-mail, and voice-mail services may be revoked at any time for inappropriate conduct. Repeated abuse of acceptable use policies will result in, at minimum, revocation of access. Violating KVEC's acceptable use policy may have serious consequences, up to and including termination of employment, and moreover, inappropriate, or offensive electronic communications can lead to personal liability for the employee.

#### Unacceptable Uses Include:

- Use of E-mail for personal gain or personal business activities as defined in a commercial sense such as buying or selling of commodities or services with a profit motive.
- Use of E-mail for unlawful activities.
- Use of abusive or objectionable language in either the public or private messages.

- Knowingly soliciting sexually oriented messages or images.
- Misrepresentation of oneself or Kentucky Valley Educational Cooperative.
- Sending chain letters.
- Purposeful interception of other staff member's e-mail or voice-mail files without prior authorization.
- Soliciting money for religious or political causes or advocating religious or political opinions.
- Using official dissemination tools to distribute personal information.
- Disseminating or printing copyrighted materials (including articles and software) in violation of copyright laws.
- Other activities that could cause congestion and disruption of networks and systems: i.e., unnecessary Listserve subscriptions and mail attachments exceeding 1 MB in size are examples of activities that cause network congestion.
- Employees are prohibited from text messaging while driving their own privately-owned vehicle during official business, or from using Cooperative equipment to text message or email when driving, as required by Federal Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.
- KVEC employees, volunteers or interns shall not communicate electronically with a student of a school or school district via email, text messaging, social media, or other electronic notification and communication programs. The following are permissible:
  1. Electronic communications to students by KVEC employees, volunteers, or interns relayed to the student through an employee of the student's school or school district.
  2. Announcements related to KVEC projects or initiatives using a KVEC approved social networking site provided there is no two-way communication with the student.

These limitations shall not restrict any electronic communications between a student and his or her family member as defined by KRS 160.145 or in the event that the student's parent or guardian submits a signed written consent to be filed at the KVEC office that authorizes a designated KVEC employee, volunteer or intern who is not a family member to communicate electronically.

Employees may set up blogs and other social networking accounts using KVEC resources to promote communication with districts, current and potential clients, and the community concerning KVEC related activities.

For KVEC employees to utilize a social networking site, they shall comply with the following:

1. They shall request prior permission from the Executive Director/designee.
2. If permission is granted, staff members will set up the site following KVEC guidelines developed by the Executive Director or his/her designee.
3. Guidelines may specify whether access to the site must be given to KVEC technology staff.
4. Once the site has been created, the staff member is responsible for the following:
  - a. Monitoring and managing the site to promote safe and acceptable use; and
  - b. Observing confidentiality restrictions concerning the release of employee and school district/client information under state and federal law.

### **03.1322 Gifts**

No employee or Board member of KVEC shall receive, directly or indirectly, any gift, reward, or promise of reward in exchange for influence in recommending or procuring the use of any goods, services, property, or merchandise of any kind for which KVEC funds are expended.

No employee shall accept, for personal use, gifts from current or potential vendors.

Any gift accepted on behalf of KVEC becomes the property of KVEC to be used in a fair and equitable manner. Disposition of any gift valued at more than \$25 presented to an KVEC employee for KVEC use shall be determined by the Executive Director/designee.

Appeals to community organizations for support shall be authorized in writing by the Executive Director prior to collection of funds. All donations/contributions will be voluntary.

### **03.1324 Political Activities**

Employees of the Board shall not engage in political activities during work time. At no time shall KVEC equipment be used for political purposes by employees. Any employee engaging in political activity during work time shall be subject to disciplinary action that could result in termination of employment.

### **03.1325 Disrupting Workplace Operations**

Any employee who participates in or encourages activities that disrupt the orderly administration of KVEC activities or operations may be subject to disciplinary action, including termination of employment.

Behavior that disrupts the orderly administration/operations process includes, but is not limited to:

- Conduct that threatens the health, safety or welfare of others;

- Conduct that may damage public or private property (including the property of staff or visitors);
- Illegal activity; or
- Conduct that disrupts delivery of services, completion of work responsibilities or interferes with the orderly administration of KVEC and KVEC -related activities or KVEC operations.

## 03.13251 Use of Alcohol and Drugs

The Kentucky Valley Educational Cooperative's Board of Directors recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The KVEC Board, the KVEC member school districts and the employees share a commitment to create and maintain a drug-free workplace.

### Policy Goals and Objectives

1. To establish, promote, and maintain a safe, healthy, working and learning environment for employees and students.
2. To aid the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance abuse problem.
3. To promote public trust of KVEC employees and their work with member school districts.
4. To aid in the reduction of absenteeism, tardiness, and apathetic job performance.
5. To provide a clear standard of job performance for KVEC employees
6. To provide a consistent model of substance free behavior for students.

Provisions of the Drug Free Workplace Act, 41 USCA 702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

### Prohibitions

Employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to obtain, sell or transfer any of the following in the workplace or while performing their duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by federal or state regulation.
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

## Definitions

“Controlled substance” shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs and prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

Employees on duty for KVEC shall not use or take prescription drugs above the level recommended by the prescribing physician or use over-the-counter medications in a manner so as to impair work performance and shall not use prescribed drugs for purposes other than those for which they are intended. An employee who personally uses a drug authorized by and administered in accordance with a prescription from a licensed health professional shall not be considered in violation of this policy.

Any employee who violates the terms of this policy may have his/her employment suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials. Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances including marijuana, heroin, or cocaine.

Alcohol, prescription drugs, and over-the-counter drugs are legal and readily available. These drugs when abused over time or used in combination with one another can result in chemical dependency or poly-drug addiction. Employees are expected to conduct themselves in a manner with the following provisions. KVEC employees working in or around member school districts property or in attendance at school district approved or school-related functions shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by federal or state regulations.

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification to the Executive Director. Within thirty (30) days after receiving notice of a conviction, the Executive Director shall take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge from employment.

**KVEC Contracted Facility**

The certified laboratory designated by the Board of Directors shall perform requested testing on specimens submitted for drug/alcohol and shall be responsible for performing the required drug/alcohol test(s) in accordance with applicable regulations. The lab shall be responsible for performing the required drug test in accordance with applicable Federal Department of Transportation (**DOT**) Procedures for Transportation Workplace Testing Programs. The lab shall also be responsible for properly handling specimens for alcohol testing. The lab shall be a Substance Abuse and Mental Health Services Administration (SAMHSA) certified lab approved for DOT drug testing.

**Pre-Employment Testing**

KVEC employment contracts are based on a year-to-year contract beginning July 1 of that year (or hire date if after July 1) to June 30 of the following year. Potential employees are made aware of the requirements of drug testing for a specific position prior to submitting an application for the position. Pre-employment drug and alcohol testing shall be required for designated safety-sensitive positions. Applicants shall be given an offer of employment prior to the test. Employment is contingent upon passing the test. Applicants for positions that require drug and alcohol testing shall report to the designated collection site upon notification by the Executive Director, or designee, of the time and date to report.

The lab is responsible for gathering the medical history of the applicant and shall take the urine sample(s).

All applicants shall be asked to sign an authorization to disclose the results of the drug and alcohol test to the Executive Director. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol test, the lab shall suspend the procedures at that point and refer the applicant to the Executive Director. Any applicant refusing to complete any part of the drug-testing procedure shall not be considered an eligible candidate for employment with KVEC.

**Random Screening**

The Kentucky Valley Educational Cooperative may exercise the right to initiate a random drug-testing program for employees if that is deemed necessary or appropriate.

**Physical Examination/Substance Screening Based Upon Reasonable Suspicion**

The Executive Director/designee, with such assistance and input of the employees' supervisors as deemed necessary, is authorized to make the determination that reasonable suspicion or cause exists to order a drug/alcohol screen of an employee. Circumstances under which substance screening may be considered include, but are not limited to, the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributable to other factors.

4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violations of drug statutes.

The circumstances under which substance screening may be considered are limited to employee conduct on duty, or during working hours; on/in the workplace; on/in KVEC member school districts property, or at KVEC-related functions. Employees subject to suspicion substance screening shall sign an acknowledgement that the summary result shall be transmitted to the Executive Director.

### **Return to Duty Testing**

This testing shall apply when an employee who has been given an opportunity for rehabilitation for drugs and/or alcohol is returned to duty. Prior to the employee coming back on the job, the employee must be examined by the Executive Director and a drug and/or alcohol test conducted which shows negative results. The Executive Director may consult with the KVEC Board and the rehabilitation program officials to determine an appropriate follow-up testing program following Board Policy and prepare a follow-up program which shall include, among other things, the appropriate period for testing as determined. The employee must sign an agreement for this to occur before the employee is allowed to return to the job.

All testing done as a result of the above conditions shall be conducted in accordance with the procedures contained herein for drug testing. In the event of positive test results, the drug testing company shall contact the Executive Director who shall contact the KVEC Attorney to work out disciplinary proceedings, if any, in accordance with Board Policy and applicable law.

### **Disciplinary Action**

Employees in violation of the provisions of this policy shall be subject to disciplinary action up to and including termination of employment.

### **Confidentiality**

Records that pertain to required substance screens are recognized to be private and sensitive records. They shall be maintained in a secure fashion to ensure confidentiality and privacy and be disclosed to the Executive Director only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Executive Director shall keep any such records in a secure fashion to maintain confidentiality and privacy.

Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of federal and state law and used with the highest regard for employee privacy consistent with law and the purpose of achieving and maintaining a drug-free workplace.

### **Changes to Policy**

This policy may be amended to facilitate needed changes in the Board's Drug-free workplace substance abuse program. Any amendment shall be approved by the KVEC Board.

## Definitions as Used in This Policy

1. ***Illegal use of drugs:*** means the use or purchase of drugs, the possession or distribution of which is unlawful under the Controlled Substance Act (21 U.S.C.A. 812). Such term does not include the use of a drug taken under the supervision by a licensed health care professional or other uses authorized by the Controlled Substances Act.
2. ***Drug or illegal drug:*** means a controlled substance as defined in Schedules I through V of the Controlled Substances Act and any substance listed in KRS Chapter 218A as a controlled substance or any other substance that may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.
3. ***Conviction:*** means a finding of guilt, including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. ***Criminal Drug Law:*** means a federal or non-federal criminal statute involving the manufacture, distribution dispensing possession or use of any controlled substance.

As a condition of employment, the Board requires that each employee sign a statement agreeing to abide by this policy and to notify the Executive Director of any criminal drug law conviction for a violation occurring in the employee's workplace no later than five (5) days after such conviction. In the event of a conviction, the Executive Director shall take personnel action against the employee, up to and including possible termination of employment.

As an alternative, the Executive Director may choose that an employee who violates the terms of the KVEC drug-free/alcohol-free workplace policies shall satisfactorily participate in an KVEC-approved drug/alcohol abuse assistance or rehabilitation program. The employee shall be required to provide progress reports on a schedule established by the Executive Director. If the employee fails to satisfactorily participate in and complete such a program, the employee's employment may be suspended or terminated.

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, an employee who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable law for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

### *Reporting*

An employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report any use, possession, or sale of a controlled substance, or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the local law enforcement agency or the Kentucky State Police.

## **03.13253 Domestic/Dating Violence Reporting and Education**

*Applicable to KVEC Personnel as Defined in KRS 209A*

Upon the request of a victim, KVEC personnel as defined in KRS 209A, shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. KVEC personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

KVEC personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve any other KVEC personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust, or any other person.

If individual KVEC personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to KVEC personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the KVEC's area.

## **03.1326 Dress and Appearance**

Each employee is expected to dress appropriately for the job. Directors will offer guidance as to proper attire. Directors may also establish special requirements for reasons of safety.

## **03.1327 Tobacco, Alternative Nicotine Product, or Vapor Product Free Campus**

The use of any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 is prohibited twenty-four (24) hours a day, seven days a week on or inside property owned or leased by KVEC including but not limited to, offices, stairwells, elevators, hallways, classrooms, restrooms, reception areas, conference rooms, and break/lounge areas.

## **03.1331 Outside Activities**

Employees may not perform any duties related to an outside job or personal business during their regular working hours.

*Consulting Activities*

Except as may be limited or prohibited by an individual contract, KVEC employees may serve as consultants to outside agencies, public and/or private, provided that consultant work does not interfere with the KVEC work responsibilities. Consulting during working hours requires prior authorization by the Executive Director. Paid consultant work shall be performed on the employee's own time.

*Professional Research and Publishing*

Professional research and publication by employees that involve local school information about students and staff and other reserved data require prior permission of the local district superintendent and shall be implemented in keeping with state and federal requirements concerning confidentiality of records, school research, and/or other such pertinent information.

An employee must receive authorization from the local district superintendent to have access to student or staff information or to utilize any school-related information, school system records, or data from a local school system.

*Services to Other Agencies and Organizations*

Employees shall not participate as a speaker or facilitator in their capacity as a KVEC employee or representative at a convention, workshop, or other program sponsored by another agency or organization without permission from their immediate supervisor. Except in the event of a last-minute request, permission to participate in an event shall be obtained at least five (5) days prior to the activity.

Employees shall not accept honoraria or other compensation above and beyond the salary paid by KVEC from other agencies or organizations with which KVEC works in the educational arena without prior permission of the Executive Director obtained at least five (5) days prior to the activity. Such groups include, but are not limited to, the Kentucky Department of Education, KEA, KASA, KHSAA, regional cooperatives and Kentucky school districts that are members of KVEC. In the event an employee receives permission to accept compensation from such groups, s/he shall:

- Perform services for such other agency or organization on his/her personal time at no monetary cost to KVEC, and at no detriment to his/her own performance for KVEC, taking leave as appropriate;
- Not be considered to be an employee of KVEC (for any purpose) during the time that the employee is preparing for, traveling to and from the performance of, and/or performing services for such other agency or organization; and
- Disclaim that s/he represents KVEC during the time that s/he is performing services for the other agency or organization.

*Media Presentations*

Employees shall not plan, accept or schedule an appearance on radio or television in their role as a KVEC employee without notifying their immediate supervisor. In such instances, the supervisor/director shall notify the Executive Director of the planned appearance as soon as possible.

In response to media requests, directors are authorized and encouraged to provide information on an as-needed, impromptu basis in keeping with their KVEC responsibilities. Examples would include responding to telephone and written requests or spur-of-the-moment verbal requests for information. In such cases, notification to the Executive Director shall not be required.

For further information, refer to Policy 03.1721.

**03.1332 Hours of Duty**

Hours of duty shall be determined at time of employment through the individual contract. Flexible time in scheduling individual work hours shall be requested in writing from the immediate supervisor.

For all employees, the official work week shall be Monday through Friday, working the hours from 8:00 AM through 4:30 PM, excluding an unpaid lunch period.

All employees will submit a work calendar showing the actual days worked to their supervisor for signature and approval. The completed, signed calendar must be submitted to the Executive Director or his/her designee no later than the fifth working day of the month following the calendar month. Certified employees are expected to work additional time if their duties require it.

Non-exempt employees should accurately record the time they begin and end their work, as well as the time of each meal period. Program directors or the Executive Director must approve overtime before it occurs.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Non-exempt employees must maintain their time sheet on an approved timekeeping system daily. It is the employee's responsibility to verify his or her time records daily to certify the accuracy of all time recorded. Any adjustments that need to be made must be reported to his/her supervisor immediately. At the end of each pay period, the supervisor shall review and approve the employee's time and process the reports for payroll. Timesheet reports shall be forwarded to the Executive Director or his/her designee no later than five (5) working days from the end of the pay period for review, approval and processing.

Employees are required to take a thirty (30) minute unpaid meal period each work day. Employees are relieved from duty during the meal period and may leave KVEC property. However, they must be prepared to resume work promptly at the end of their scheduled meal period.

Employees are entitled to a rest period of at least fifteen (15) minutes during each four-(4) -hour work period.

## 03.14 Health and Safety

The Executive Director shall take all necessary and reasonable steps to create a safe and healthy work environment. Relevant federal and state occupational health and safety laws shall be followed. Employees shall cooperate with the Executive Director to help maintain a safe and healthy work environment. To that end, employees shall:

- Exercise maximum care and good judgment at all times to prevent accidents and injuries;
- Seek first aid for all injuries and report the injury to the supervisor as soon as possible;
- Report unsafe conditions, equipment or practices to supervisory personnel as soon as possible; and
- Observe conscientiously all safety rules and regulations.

When an employee reports an unsafe condition, equipment or practice to a supervisor, the supervisor shall provide written documentation confirming receipt of the report. On receipt of a report from an employee, the supervisor shall have the unsafe condition corrected or report the condition, in writing, to the Executive Director.

Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up and including termination of employment.

### 03.142 Workplace Threats and Violence

Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on KVEC property or during work time will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and criminal prosecution.

Any person who makes a substantial threat, exhibits threatening behavior, or engages in violent acts on KVEC property shall be removed from the premises pending the outcome of an investigation. KVEC will initiate an appropriate response, which may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

No existing KVEC policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All KVEC personnel are responsible for notifying the Executive Director of any threat that they have witnessed, received, or have been told that another person has witnessed or received. This shall include oral, written, or electronic threats. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job-related, could be carried out on a KVEC controlled site, or is connected to KVEC employment.

Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the Executive Director is not available, personnel should report the threat to their immediate supervisor or another member of the management team.

All individuals who apply for or obtain a protective or restraining order that lists KVEC locations as being protected areas must provide to the Executive Director a copy of the petition and declarations used to seek the order. They must also provide a copy of any temporary protective or restraining order that is granted and a copy of any protective or restraining order that is made permanent.

KVEC understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

## **03.15 Confidentiality of Records**

### **Personnel Records**

Human Resources personnel shall maintain a master personnel file for each employee that documents employment history. This file shall be under the custody of the Executive Director/designee.

The personnel file may contain, but is not limited to:

- A. Application for Employment
- B. Leave Record
- C. Salary and Fringe Benefits
- D. Withholding Exemption Certificate
- E. Miscellaneous Information

All employee records are to be considered confidential and, except for access by the individual employee, are available only to other personnel as designated by the Executive Director. Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.

Medical information shall be maintained separately from other information in an employee's personnel file.

KVEC acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.

### **Student Records**

Data and information concerning students may be collected to provide a sound basis for educational decisions and to enable KVEC program staff to prepare necessary reports in compliance with the Family Educational Rights and Privacy Act.

Student records belong to school districts. Any requests to review student records shall be referred to the relevant school district. KVEC staff shall not share education record information with others, except for school district staff or KVEC staff who have a legitimate educational interest in the records. Those with a legitimate educational interest are those who need access to the records in order to perform a task assigned to them by the school district or by KVEC.

### **03.16 Communications/Grievances**

It is the declared policy of the Kentucky Valley Educational Cooperative to promote, foster, and nurture a relationship between the Cooperative and its employees which will result in an atmosphere of mutual trust and confidence, be conducive to tranquility, and allow all parties concerned to achieve an optimum level of productive effort without stifling self-expression.

#### *Lines of Communication*

The Executive Director/designee shall develop specific procedures to assist employees in making a complaint. KVEC employees shall be informed of, and required to follow, approved lines of communication. Individual work-related grievances shall not be submitted directly to individual KVEC Board members.

Grievances/communications are individual in nature and must be brought by the individual employee. KVEC shall not hear grievances or complaints concerning simple disagreement or dissatisfaction with a personnel action.

A grievance may be based on a violation of personnel policy or law or upon harm to the individual employee that results in substantial injury to compensation, workload, work hours or work conditions.

The Board shall have the authority to determine whether an issue is a suitable subject for a grievance.

NOTE: Harassment/discrimination allegations shall be governed by Policy 03.162.

#### *Retaliation*

Employees who comply with the established grievance process as outlined in this policy shall not be penalized. Supervisors are responsible for ensuring that the grievance is fully processed until the employee is satisfied with the decision or until the employee's recourse within the grievance process is exhausted.

#### *Procedures*

Failure to file a grievance in accordance with procedure as outlined in this policy will result in forfeiture of the employee's right to relief through the grievance procedure.

All management responses to a formal grievance will be in writing.

The aggrieved must file a grievance within ten (10) working days after s/he is aware of the problem, unless the problem is continuous, in which case the grievance may be filed any time during which the problem exists or within ten (10) working days of its cessation.

The person initiating the grievance is not required but is urged to put it in writing. However, the aggrieved must clearly state that s/he is filing a grievance. The grievance must be taken to a supervisor at the lowest level who can take measures to rectify the problem, unless the supervisor is the subject of the grievance.

### **03.161 Due Process**

All employees have the right to required due process in the resolution of a dispute regarding adverse action taken against them.

An employee who is being disciplined due to poor job performance or for other good cause has the following rights:

1. The right to know the specific reason(s) for the disciplinary action;
2. An opportunity to be heard, including
  - a. The right to present witnesses on his/her behalf;
  - b. The right to representation at the employee's expense by a person of their own choosing (subject to the restrictions of KVEC policies and procedures);
3. A prompt decision rendered in writing;
4. Redress for KVEC failure to follow its own policies and procedures, including the employee's right to due process; and.
5. Redress for gross disregard of the facts or evidence in a case at earlier stages of an appeal, whereupon if the employee alleges and can prove in writing such disregard, the Executive Director may review the merits of the case.

### **03.162 Harassment/Discrimination**

KVEC is committed to maintaining a workplace free of harassment/discrimination of any kind and from any source, management, co-workers, and visitors. KVEC will treat all complaints fairly and evenhandedly.

#### *Definition*

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex (including sexual orientation or gender identity), genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

*Prohibition*

Harassment/Discrimination is prohibited at all times on KVEC property and off KVEC grounds during KVEC-sponsored activities. This prohibition also applies to visitors to KVEC who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or opposite sex.)

KVEC staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

*Disciplinary Action*

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including possible termination of employment.

*Guidelines*

Employees who believe they or any other employee, student or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report the incident. Persons authorized to receive reports of harassment/discrimination include the Executive Director or Program Director. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must also report harassment/discrimination to appropriate law enforcement authorities in accordance with KRS 158.155 and KRS 158.156.

The Executive Director shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than ten (10) working days from submission of the original complaint regardless of the manner in which the complaint is communicated to the Executive Director or Program Director. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Executive Director/designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within ten (10) working days from the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:

- written notice provided in publications such as this manual, staff memoranda, and/or pamphlets;
  - postings in the same location as are documents that must be posted according to state/federal law; and/or
  - such other measures as determined by the Executive Director.
4. Information explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination.
  5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

Field based staff assigned to a work site in a member school district shall notify the Executive Director of any complaint of harassment, sexual or otherwise, perpetrated on the employee by a district employee. The Executive Director shall notify the employee of the name of the district's staff member assigned to handle harassment complaints. The responsibility for handling the complaint will reside with the district involved.

#### *Complaint Process*

Employees filing a complaint concerning alleged harassment/discrimination shall follow the process and timelines set out for other grievances. Refer to Policy 03.16 Grievances.

#### *Prohibited Conduct*

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that s/he must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;

6. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

#### *Confidentiality*

KVEC employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

#### *Appeal*

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Executive Director.

If the Executive Director is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to the Chair of the Board of Directors.

Failure by an employee and/or the Executive Director to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for disciplinary action.

#### *Retaliation Prohibited*

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/ discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Executive Director shall take steps to protect employees and students against any form of reprisal or retaliation for having filed a good faith complaint under this policy.

#### *Other Claims*

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations.

### **03.17 Employee Discipline, Termination and Resignation**

Any employee who violates a KVEC policy, procedure, supervisory directive and/or standard of employee conduct and behavior may be subject to disciplinary action. Disciplinary actions may be taken against an employee when, in the judgment of the supervisor, such action is warranted. Discipline shall be commensurate with the behavior.

Employees may be subject to the following disciplinary actions by the Executive Director, to include, but not be limited to:

- Verbal warning or reprimand
- Written warning or reprimand
- Probation imposed
- Reassignment (temporary or permanent)
- Suspension without pay
- Dismissal (termination)

An employee may be relieved from duty for the remainder of the workday by the immediate supervisor, pending action by the Executive Director, when drugs, alcohol, and/or the safety of employees or others are involved.

The intent of the Board to terminate the services of an employee shall be in compliance with appropriate statutes and regulations.

#### *Causes for Personnel Action*

KVEC seeks to establish a culture that assists staff members in identifying challenges and improving performance and behavior. However, if disciplinary action is necessary to affect needed change, a disciplinary plan will be developed and activated. The specific disciplinary action will normally be based on an assessment of the offense and the circumstances of any previous misconduct. The primary purpose of the disciplinary system is to correct improper behavior.

Reasons for which an employee shall be subject to disciplinary or job action shall include, but not be limited to, the following:

1. Dishonesty, neglect of duty, excessive personal use of the telephone, incompetence, inefficiency or insubordination/refusing to follow instructions.
2. Reporting to work under the influence of or use or possession of alcohol, while on duty, or the illegal use or possession of controlled substances at any time.
3. Unauthorized possession or use of firearms, dangerous weapons, or explosives on KVEC property.
4. Unsatisfactory evaluation of any factor on the employee's performance evaluation report and/or failure to improve.
5. Excessive or unexcused absences, tardiness, absence without notification or abuse of sick leave that is using sick leave for things other than health/medical reasons.
6. Violation of or refusal to obey KVEC policies or law applicable to the workplace.

7. Falsifying information supplied to KVEC including information on application forms, absence reports, time sheets, calendars, travel reports, or any other information. Criminal convictions for felonies or other acts of conduct occurring on or off the job which are directly related to job performance, or reflect adversely upon KVEC or its operations, or are of such nature that to continue the employee in the assigned position could constitute negligence in regard to duties to students, program participants, employees, and to the general public.
8. Immorality, use of abusive language, or other unprofessional behavior in the workplace or in regard to minors.
9. Loss of licensure or certification required for the assigned position.
10. Behavior that poses a threat to the operations of KVEC or to the safety or well-being of other individuals or to property.
11. Unauthorized use or misuse, stealing, or unauthorized removal of KVEC, agency or government property or records, or stealing from other employees/students.
12. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
13. Engaging in any sexually related behavior with a student with or without consent, including but not limited to behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
14. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.

#### *Resignation*

If an employee voluntarily resigns, the resignation shall be in writing and shall become binding on the date the resignation is accepted by the Executive Director. A resignation, once accepted, may be withdrawn only with the approval of the Executive Director. Resignations must come before a Holiday if the employee will not be returning to work after the Holiday. In the absence of a specific policy or written agreement to the contrary, employees are free to resign at any time. However, all employees are expected to give written notice of their intent to resign. Such notice should be delivered to the Program Director or Executive Director in advance of the date of resignation as follows:

Certified staff – thirty (30) working days

Non-certified staff – fifteen (15) working days

Failure to give the required notice may result in forfeiture of KVEC paid benefits, including accrued leave time, and ineligibility for re-employment.

Before the effective date of a resignation, the employee must arrange for an exit interview to determine the reason for the decision; to ensure return of petty cash and/or Cooperative property; to settle any outstanding obligations; to make provisions for completing unfinished work; and to explain conversion benefits under the Cooperative's group insurance plans and other vested benefits available to the employee under the Cooperative's benefit plan (COBRA).

### **03.172 Sanctions**

Employee actions may warrant alternative forms of discipline and therefore the Executive Director may choose to impose employee sanctions as described below.

#### *Reprimand*

Except in the case of a serious violation, a reprimand should be preceded by a warning. Reprimands shall be placed in writing and must contain the specifics of the conduct for which the employee is being reprimanded and be signed by the employee and the supervisor. The employee's signature assures only that the reprimand has been discussed with the employee and does not necessarily constitute the employee's agreement with the contents of the reprimand. The appropriate program director must receive a copy of the reprimand and forward it to the Business Lead to file in the employee's personnel file. If employees receive two (2) reprimands for the same offense during a twelve (12) month period or three (3) reprimands for any problem during that same period, they are automatically placed on disciplinary probation.

#### *Disciplinary Probation*

The term of a disciplinary probation shall not exceed twenty (20) working days. An employee on disciplinary probation shall receive a written explanation of the reason for the disciplinary action, signed by the program director and the employee, with a discussion of the corrective actions the employee must take and the supervisory assistance that will be available to help the employee improve performance.

The employee's signature assures only that the offense, and subsequent probationary status, corrective measures and length of probationary period have been discussed with the employee and does not necessarily constitute the employee's agreement with the reason for disciplinary probation. The program director and the employee must receive a copy of the probationary action and a third copy is to be forwarded to the Business Lead to be placed in the employee's personnel file. At the end of the specified period, the appropriate program director shall remove probationary status or, if no improvement has been made, shall recommend to the Executive Director the employee's suspension without pay or termination of employment.

Any employee may be placed on disciplinary probation when work performance is not satisfactory, and the program director believes it necessary to impress upon the employee the need for improvement. Employees who improve satisfactorily during the probationary period may be restored to regular status. Failure to gain a satisfactory performance rating during probation will result in transfer, demotion, suspension or termination of employment.

Any employee placed on disciplinary probation more than twice during a twelve (12) month period will be subject to being suspended without pay or recommended for disciplinary termination by the employee's program director to the Executive Director. This suspension or disciplinary termination must be consistent with the offenses that lead to placements of disciplinary probation and termination of employment.

Regular employees who have been placed on probation are eligible for paid holidays but may not take annual leave during the probationary period.

### **03.1721 Conflict of Interest**

Employees of KVEC may serve as consultants to outside agencies, public and/or private, provided consultant work does not interfere with the employee's KVEC responsibilities and does not constitute a conflict of interest. A conflict of interest includes, but is not limited to, work performed for a competitor; work that could be contracted by KVEC; or activities that would not be in the best interest of KVEC. Consulting during working hours requires prior authorization by the Executive Director. Paid consultant work shall be on the employee's own non-contract time. *Related Policy: 03.1331*

### **03.174 Reinstatement of Staff Members**

The Executive Director shall have the authority to reinstate personnel immediately upon receipt of information that s/he believes justifies reinstatement or upon the reinstatement of an agreement with the outside agency under which the employee was previously employed.

The Executive Director shall report to the Board the reinstatement and the rationale for such action at the next meeting following the reinstatement.

### **03.175 Retirement**

#### *Qualifications*

All certified employees and all other employees required to hold a degree from a four (4)- year college or university are required to participate in the TRS. All other full-time employees that meet the minimum workweeks as specified by CERS are required to participate in the CERS upon completion of their six-month probationary period.

#### *Notice*

Persons retiring should give the Executive Director notice as far in advance as possible, but not less than thirty (30) working days prior to retirement for certified and fifteen (15) working days for non-certified staff.

#### *Responsibility*

Retirement benefits shall be solely a matter of contract between the employee and the TRS or the CERS and shall not be the responsibility of the Board. Employees are responsible for contacting their retirement program regarding retirement status or any benefits available from the retirement system.

*Unused Sick Days*

Qualified employees shall be compensated for a percentage of unused accumulated sick days at the time of retirement, disability retirement, or retirement of retirees that returned to work before January 1, 2022.

For eligible certified employees, the rate of compensation for each unused sick day shall be based on 30% of the daily salary calculated from the employee's last annual salary or as allowed by TRS. Payment for unused sick days shall be incorporated into the annual salary of the final year of service, or as allowed by TRS; provided that the employee makes the regular retirement contribution for members on the leave payment.

For eligible non-certified employees, based on unused accumulated sick leave, KVEC shall purchase up to the maximum number of months of service credit and/or provide a payout at 30% of the employee's daily rate or as otherwise allowed by law for the cost of sick leave as elected by the employee and allowed by the CERS sick leave program for which the Cooperative participates. Payment for unused sick days shall be incorporated into the annual salary of the final year of service, or as allowed by CERS; provided that the employee makes the regular retirement contribution for members on the leave payment.

Retirees returning to work after January 1, 2022, employees who resign, or are terminated are not entitled to any sick leave compensation when they leave KVEC.

*Payout of Unused Annual Leave*

Employees having worked three (3) years or more with the Cooperative and retiring under TRS or CERS shall be paid for unused accrued annual leave as detailed in policy 03.122.

**03.18 Evaluation of Staff**

An annual review will be made of the performance of all certified and non-certified personnel. This review will be administered by the Executive Director.

The Executive Director shall have the responsibility for the evaluation of KVEC employees. Except for probationary non-exempt employees who are to be evaluated at or near the end of the probationary period, evaluations will be completed annually each year unless extended by the Executive Director. The evaluation shall reflect input from the employee's immediate supervisor. For those employees who are hired pursuant to and as a direct result of an agreement with an outside agency, evaluations or other feedback and accountability procedures may be determined by said agency, in lieu of the requirements set forth herein.

Evaluations will be completed annually not later than May 15<sup>th</sup> of each year.

The evaluation will be based on:

- Effectiveness of the employee in his/her role as defined by the job description;
- Special strengths, such as personal characteristics and professional characteristics; and
- Judgment of the employee's immediate supervisor.

The evaluation shall be discussed with each employee, and, if needed, the employee and evaluator will develop a professional growth plan. If the employee is hired as a result of an agreement with an LEA, such LEA superintendent or designee may participate.

### **03.19 Professional Development**

The Executive Director may authorize attendance of employees at professional meetings or activities, without pay deductions, provided such attendance promotes the purposes of the Cooperative. Professional development opportunities include:

- A comprehensive program of continuing professional and in-service development involving all personnel shall be maintained.
- Staff meetings with persons representing a variety of human endeavors shall be held as needed.
- In-service training programs shall be conducted by the Cooperative to implement various Cooperative programs.

Applications for leave to attend other professional meetings without pay and reimbursement may be made to the Executive Director who shall consider the request on an individual basis.

The Executive Director shall determine the number of personnel who can attend professional meetings at any one time. Those who attend professional meetings shall be expected to disseminate information gained among their colleagues.

The amount of reimbursement shall be based on the number of applicants and budgetary limitations. Expense vouchers shall be submitted to the Executive/Associate Director.

### **03.3 Interns**

The Executive Director shall oversee the utilization of interns in keeping with the agreement established with educational or other institutions.

### **03.6 Volunteers**

KVEC supports parent and volunteer involvement in its instructional programs. Under the direction and supervision of program staff, volunteers may assist in both instructional and non-instructional activities. Volunteers also may be used in other school and community-based programs operated by KVEC to the extent the individuals are supervised by program staff.

In order to comply with Kentucky law, all volunteers who have contact with children in public schools on a regularly scheduled or continuing basis shall complete and have on file a criminal records check conducted by the Administrative Office of the Courts.

“Volunteer” may refer to a parent, guardian or other family member and may include, but not be limited to, the following:

- Translator
- Interpreter
- Foster grandparent
- Childcare workers for parent education training

KVEC shall not allow any individual to volunteer in its programs when a criminal records check uncovers any drug-related or sex-related criminal offense, other felony offenses, or other such offenses that KVEC deems as posing a serious or unnecessary risk to the well-being of children or program staff. All other individuals will be welcomed as volunteers in our programs. However, a criminal records check must be completed and a report received from the Administrative Office of the Courts before any individual is permitted to volunteer in a program.

## **09.227 Child Abuse**

### Report Required

Personnel who know or have reasonable cause to believe that a child under eighteen (18) is dependent, abused or neglected, or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make an oral or written report, including but not limited to electronic submission, to a local law enforcement agency, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's or County Attorney or the Kentucky State Police in accordance with KRS 620.030.

After making that report, the employee shall then immediately notify their Immediate Supervisor of the suspected abuse. If the Immediate Supervisor is suspected of child abuse, the employee shall notify the Executive Director.

Upon notification, the Executive Director shall facilitate the cooperation of the Cooperative with the investigation of the report. Any person who knowingly causes intimidation, retaliation, or obstruction in the investigation of the report is guilty of a crime.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the Cooperative shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require the Cooperative, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

### Written Report

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County Attorney or the Cabinet for Health and Family Services or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

Interviews

If the student is an alleged victim of abuse or neglect, Cooperative officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent and shall provide the Cabinet access to a child subject to an investigation or assessment without parental consent.

Required Training

Per KRS 156.095, all personnel, volunteers and interns who are employed by the Cooperative shall complete Board selected training on child abuse and neglect prevention, recognition, and reporting as required by law.

Cooperative personnel shall never be alone with a minor while on KVEC premises, or during any KVEC sponsored activity.

Other

The Cooperative shall prominently display at the entrance into its office building the statewide child abuse hotline number administered by the Cabinet for Health and Family Services and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

## Section

# 4

## Fiscal Management

### 04.311 Fiscal Accounting and Reporting

The Board of Directors shall have general approval for the receipt, disbursement, and accountability of any funds based upon recommendations and programmatic understanding from the Executive Director and/or Associate Director.

All financial records will be maintained by the Kentucky Valley Educational Cooperative with oversight by the Executive Director, Associate Director, and the Board of Directors. All Business conducted by KVEC shall be done in accordance with the law.

The Executive Director will be responsible for the day-to-day administration of KVEC fiscal and programmatic operation in collaboration with the KVEC Associate Director/Chief Financial Officer. Both the Executive Director and Associate Director serve as Administrative Agents for Cooperative activities. The Executive Director or Associate Director of the Kentucky Valley Educational Cooperative shall cosign checks with the Accounting Specialist.

Member districts shall be billed for coming fiscal year's membership dues July 1 of each year. Non-refundable dues/fees billed are payable by August 31 of each fiscal year. Fees shall be billed to each board of education based on student enrollment using the following:

\$3,000 base amount plus \$2.00 per student for district enrollments with 5,000 students or less

\$2.00 per student for district enrollments over 5,000 and less than or equal to 7,500 students

\$1.50 per student for district enrollments over 7,500 students

The Executive Director shall annually present a balanced budget for the fiscal year for approval by the Board of Directors. The Executive Director working in collaboration with the Associate Director (Financial Officer) and Accounting Specialist shall keep a full and complete account of all funds in such manner as to make monthly reports as is required by the Board of Directors. The Executive Director shall insure that a system is in place that preserves all records relating to the transactions along with all funds in hand and all accounts and records due for proper audit to be made by a competent agent on an annual basis.

Financial records shall not be deleted or otherwise destroyed without prior written authorization of the Executive Director.

Employees should refer to the KVEC Financial Procedures Manual developed and maintained by the Executive Director in collaboration with the Associate Director/Chief Financial Officer and Accounting Specialist, to establish procedures addressing fiscal matters including, but not limited to, the following:

Bank Reconciliations	Indirect Cost
Bonding and Insurance	Loans
Budgets	Non-Federal Audits
Cash Depositories	Non-Federal Share and Matching
Cash Disbursements	Occupancy
Cash Management	Organization
Cash Receipts	Payroll
Close-out of Grants or Programs	Petty Cash
Committees and Board Expenses	Procurement Standards
Computer Systems	Property Management
Consultant & Contract Service	Purchasing Procedures
Contributions and Donations	Retention and Access Requirements for Records
Federal Grant – Related Income	Standard Invoice
Financial Management System Standards	Taxes
Financial Reporting	Telephone
Grants and Contracts	Travel

The KVEC Board shall approve the Financial Procedures Manual, which is incorporated by reference into this policy manual.

## 04.33 Bidding

### *Small Purchases*

Small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$40,000.00

### *Ethical Standards*

To avoid conflicts that may arise during the decision-making process for procurement of services and products for the Cooperative, employees shall adhere to the ethical standards set out in KRS 45A.455.

### *Federal Awards/Conflict of Interest*

No employee, officer, or agent of the Cooperative may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the Cooperative may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, the definition of “gratuity” (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply. Violation of these standards may result in disciplinary action including, but not limited, to suspension, dismissal, or removal.

## Section

# 5

## KVEC Facilities

### 05.48 Weapons

#### *Prohibitions/Restrictions*

All persons are prohibited from bringing into the KVEC property or workplace any weapon, including firearms or other dangerous instruments as specified in the following excerpts from the Kentucky Penal Code:

#### **KRS 500.080:**

*Dangerous instrument* means any instrument, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

*Deadly weapon* means any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged; any knife other than an ordinary pocket knife or hunting knife; billy club, nightstick or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.

#### **KRS 527.010:**

*Booby trap device; destructive device; firearm* (any weapon which will expel a projectile by the action of an explosive); and *handgun* (any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand).

Law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020 are authorized to bring weapons onto KVEC property in performance of their duties.

*Concealed Weapons*

Except for authorized law enforcement officials, no person may carry concealed weapons on KVEC property or to a KVEC workplace, unless the Executive Director grants an exception to an employee who has a compelling personal safety need. Such exceptions are at the sole discretion of the Executive Director. When an exception has been granted allowing a concealed weapon to be brought into the building during the normal workday, the Executive Director shall notify division directors.

Employees who have obtained a license to carry a concealed weapon may store the weapon in their personal motor vehicle while on KVEC property, provided the unoccupied vehicle remains locked during the workday and the weapon is not removed from the vehicle without the Executive Director's authorization.

When visiting school sites, employees shall adhere to local school district restrictions addressing weapons on school property.

Employees who observe that this policy has been violated should report it to the Executive Director or their immediate supervisor.

Violation of the provisions of this policy by employees shall constitute reason for immediate disciplinary action by the Executive Director, including possible termination of employment.

Visitors who violate this policy shall be asked to leave the premises. Refusal to comply may result in a trespassing charge against the visitor.

## Section

# 6

## Other KVEC Information

### 10.11 Open Records Notice

#### NOTICE

#### **RULES AND REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE KENTUCKY VALLEY EDUCATIONAL COOPERATIVE (KVEC)**

Records are subject to inspection as provided in the Kentucky Open Records Act.

Procedures to provide public access to public records shall be displayed in a prominent location accessible to the public and posted on KVEC's website. In addition to the procedures, the web posting shall include the phone number of the records custodian/designee and the Open Records Request Form issued by the Kentucky Attorney General.

#### *Inspection of Records*

Residents\* of the Commonwealth desiring to examine records that are not exempt from public disclosure may do so during regular working hours. Regular working hours shall be posted at the main entrance of the KVEC Office.

The principal office is located at 412 Roy Campbell Drive, Hazard, KY 41701.

The official custodian/designee to whom requests for access to records should be submitted is Executive Director of the Kentucky Valley Educational Cooperative, and email address is [jerry.green@hazard.kyschools.us](mailto:jerry.green@hazard.kyschools.us). If another KVEC employee receives an Open Records Request, s/he shall immediately send it to the Executive Director, and shall notify the requesting party of the name and location of the official custodian of KVEC's records.

Fees for hard copies shall be 10 cents a page. Fees for other media (if applicable) shall be based on legal requirements for other than standardized media as defined under the Kentucky Open Records Act.

The requesting party shall submit a written application that shall:

- be signed;
- include the applicant's name printed legibly;
- include mailing address (and email address if applicable); and
- include a statement of the manner in which the applicant is a resident of the Commonwealth of Kentucky.\*

The applicant shall hand deliver, mail, send via facsimile, or send via email the written application to the custodian/designee at the above address reasonably describing the records the applicant wishes to access. Written requests comporting with the above or the written form set forth in regulation by the Kentucky Attorney General may be utilized by the requesting party.

Unless a longer period applies under state law or Executive Order, a response by or on behalf of KVEC is due within five (5) days (not including weekends or holidays) of receipt of the request. If records are not in active use, are in storage or are otherwise unavailable, KVEC's response will explain in detail the cause for a delay beyond five (5) days and state the earliest date on which the records will be available. Requests may be denied if the records are exempt from disclosure under KRS 61.878 or if the request imposes an unreasonable burden or is intended to disrupt essential functions of KVEC as provided in KRS 61.872.

A resident of the Commonwealth may inspect public records during regular office hours. If s/he resides outside the county and precisely describes the responsive records, s/he may receive responsive, nonexempt records by mail upon KVEC's receipt of copying fees and costs of mailing.

Applicants requesting copies of public records for a commercial purpose (KRS 61.874) shall provide a certified statement to KVEC stating the commercial purpose for which the records shall be used and shall be required to enter into a contract with KVEC. The contract shall state the fee required by KVEC to produce copies to be used for a commercial purpose.

\*Resident is defined under KRS 61.870(10) as: an individual residing in the Commonwealth; a domestic business entity with a location in the Commonwealth; a foreign business entity registered with the Kentucky Secretary of State; an individual that is employed and works at a location or locations within the Commonwealth; an individual or business entity that owns real property within the Commonwealth; any individual or business entity that has been authorized to act on behalf of an individual or business entity described above; or a news-gathering organization as defined in KRS 189.635(8)(b)1.a. to e.

## Acknowledgement Form

<b>KVEC Policy Manual</b>
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I, \_\_\_\_\_, have received a copy of the  
*Employee Name*

*Policy Manual* issued by KVEC and understand and agree that I am to review this manual in detail and with my immediate supervisor if I have any questions concerning its contents.

I UNDERSTAND AND AGREE:

1. that this manual is intended as a compilation of KVEC policies and that it is not intended to create any sort of contract between KVEC and any one or all of its employees;
2. that I have entered into my employment relationship with KVEC voluntarily and acknowledge that there is no specified length of employment beyond the terms of my current contract;
3. that the Board of Directors may modify any or all of these policies, in whole or in part, at any time, with or without prior notice; and
4. that in the event KVEC modifies any of the policies contained in this manual, the changes will become binding on me immediately upon issuance of the new policy by the Board of Directors.

*I understand that as an employee of KVEC, I am required to review and follow the policies set forth in this manual and I agree to do so.*

\_\_\_\_\_  
*Signature of Employee*

\_\_\_\_\_  
*Date*

Return this signed form to Executive/Associate Director.