

KENTUCKY VALLEY EDUCATIONAL COOPERATIVE PERSONNEL POLICIES

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 in order to achieve its mission. All KVEC employees agree to comply with the policies outlined in the personnel policy.

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.

Supervision of Cooperative personnel will be the responsibility of the Executive Director or his/her designated representative. In those cases where programs are located 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 are under the jurisdiction of the school administrators.

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

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.

PROCUREMENT OF STAFF

Job descriptions and Specifications

The Cooperative Executive Director shall develop job descriptions and specifications for all certified and non-certified staff positions. Such job descriptions and specifications shall be maintained and available through the Cooperative Business Operations Lead.

Equal Opportunity

- The Cooperative will employ qualified personnel for all positions without regard to race, creed, color, sex, religion, or national origin, and without restrictions as to type of work, except for the limitations imposed by Federal and state laws.
- Selection of candidates for training and/or promotion will be made upon the basis of demonstrated capability, competence, and appropriate experience, without regard to race, creed, color, sex, religion, or national origin.

Conditions of Appointment

- Certified personnel: 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. 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 45 days prior to the termination of their probationary status.

- Non-Certified Personnel: KVEC non-certified personnel 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. 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 or non-continuation at least 15 days prior to the termination of their probationary status.
- Part-Time Personnel: Individuals may be hired on a part-time basis by the Cooperative 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 1240 hours. Such persons shall keep time and attendance reports as required and be paid through the Cooperative's payroll account.
 - (B) Full-Time employee is defined as any employee who has a contract stating they will be working at least 1240 hours.

Procedure for Appointment

- Cooperative Executive Director: The Executive Director shall be appointed by the Board of Directors and the letter of appointment shall be issued by the Chairperson of the Board.
- Other Certified Personnel: The Executive Director shall make recommendations for employment of all certified personnel and, at his/her discretion, issue a notice of appointment. Subsequent to confirmation by the Board, the Executive Director shall issue, on behalf of the Board, an official notice of appointment.

Advancement

- It is the policy of the Board of Directors to promote internal advancement of Cooperative personnel when that advancement benefits the Cooperative.

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 institution for the individual's services.

STAFF POLICIES

Orientation

- 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.

General Working Conditions

- 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, you should leave the common workspace in an orderly condition; sound, safe housekeeping habits are the responsibility of all employees.

Supervision

- 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.

Tobacco

- Tobacco in the Workplace means inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco. Chewing tobacco and the use of snuff are also included. KVEC is committed to being in compliance with applicable health codes and to be reasonably accommodating the preference of both smoking and nonsmoking employees.

Sexual Harassment and Prohibited Behavior

KVEC is committed to maintaining a workplace free of harassment of any kind and from any source, management, co-workers and visitors. Also, KVEC will treat all complaints fairly and evenhandedly in order to prevent frivolous or malicious accusations.

This policy applies to all phases of employment-including recruiting, testing, hiring, upgrading, promotion or demotion, transfer, layoff, termination, rates of pay, benefits and selection for training, travel or company social events.

This policy ensures that all employees will enjoy a safe work environment free from unreasonable interference, intimidation, hostility or offensive behavior on the part of managers, co-workers or visitors. It also acknowledges that harassment, sexual or otherwise, is against the law and will not be tolerated by this organization.

Definition

The official definition of sexual harassment under relevant laws and court decisions is summed up this way by the EEOC: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

Prohibited Behavior

Prohibited behavior includes but is not limited to unsolicited and unwelcome contact that has sexual overtones. This includes:

- Written contact, such as sexually suggestive or obscene letters, notes, invitations, “art”;
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;

- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
- Visual contact, such as leering or staring at another's body gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines.

Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome, as well as using sexual behavior to control, influence or affect the career, salary or work environment of another employee.

It is impermissible to suggest, threaten or imply that failure to accept a request for a date or sexual intimacy will affect an employee's job prospects. Offering benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications in exchange for sexual favors is forbidden.

Discrimination: Employment decisions implicitly or explicitly based on factors other than job-related considerations or treating one employee differently merely on the basis of a protected characteristic, i.e., that person's sex.

Harassment: Repeated, unwanted, or unwelcome verbalisms or behaviors of a sexist, racist, or with overtones related to a protected characteristic, e.g. sex, race ethnicity, religion, age, disability, or military status.

Hostile Environment: Conduct that has the purpose or effect of unreasonably interfering with a person's job performance or creates an intimidating or offensive work environment.

Quid-Pro-quo Sexual Harassment: Making submission to sexual demands an implicit or explicit term or condition of employment; or making decisions affecting someone's employment or compensation on the basis of whether the person submits to or rejects sexual demands.

Unwelcome Behavior: Conduct that the employee did not solicit or invite.

Harassment by Non-employees: KVEC will take all reasonable steps to prevent or eliminate sexual harassment by non-employees who are likely to have workplace contact with our employees.

Monitoring and Reporting: KVEC shall take all reasonable steps to see that this policy prohibiting sexual harassment is followed by all employees, supervisors and others who have contact with our employees. Employees who encounter sexual harassment should first let the offending person(s) know they find the conduct offensive. If it does not stop or if it recurs, they should then file a complaint with their immediate supervisor (or if offender is immediate supervisor, file complaint with executive director.) Should the situation not be handled satisfactorily by the supervisor, a complaint should be filed with the executive director. If the complaint is not satisfactorily handled by the executive director, a complaint should be filed with KVEC's chair of the Board of Directors.

The person who receives the complaint will handle the complaint by making a complete investigation and writing up the complaint and the results of the investigation within ten (10) working days. The results of the investigation will be given to KVEC's executive director for review, to determine whether any disciplinary action (as detailed below) is necessary. Every reasonable effort will be made to determine the facts and resolve the situation.

Discipline: Any employee found to have violated any of the provisions of this policy shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension or discharge for cause, according to the findings of the complaint investigation.

If an investigation reveals that sexual harassment has occurred, the harasser may also be held legally liable for his or her actions under state or federal anti-discrimination laws, or in separate legal actions.

Retaliation: Any employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment or discriminated against or discharged because of the complaint. Complaints of such retaliation will be promptly investigated, and appropriate action taken by the executive director.

Drug-Free/Alcohol-Free Workplace and Schools

Purpose

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.

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.

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.

Employee Conduct

Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances including marijuana, heroin, or cocaine.

Alcohol and Drugs

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.

Employees on duty at 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 as to impair work performance and shall not use prescribed drugs for purposes other than those for which they are intended.

KVEC employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain in the workplace or in the performance of duties, alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by federal regulations.

Further, KVEC employees working in or around member school districts property or in attendance at system-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 regulations.

“**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 Department for Health and Human Services under regulations pursuant to KRS 218A.020.

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.

KVEC Contracted Facility

The certified laboratory designated by the Board of Directors shall perform requested testing on specimens submitted 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 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 random drug-testing program for employees if that is deemed necessary or appropriate.

Physical Examination/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 screen of employees. 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 or in the work place; on or in KVEC member school districts property, or at school related functions. Suspicion screening, employees 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 done 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. This agreement must be signed by the employee 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 DC shall contact the Executive Director who shall contact the Board Attorney to work out disciplinary procedures, if any, in accordance with Board Policy and State Law.

Disciplinary Action

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

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 Kentucky law and used with the highest regard for employee privacy consistent with law and the purpose of achieving and maintaining a drug-free workplace.

All personnel records and information regarding referral, evaluation, substance screen results, and treatment shall be maintained in a confidential manner; and such records shall not be placed in an employee's personnel file.

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.

References:

Knox County Educ. Assn. V Knox County Board of Educ., 158 F 3d, 361, (6th Cir. 1998)

KRS 160.290 (1 & 2); KRS 161.120; KRS 161.790

41 U.S.C.A. 702, Federal Anti-Drug Act

49 CFR Part 40

34 CFR Part 85

P.L. 101-226 (Improving America's Schools Act of 1994 (Title IV); Safe and Drug-Free Schools and Communities)

Confidentiality of 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 and Education Rights and Privacy Act.

Student information shall be made available to the parent of a dependent student or eligible student on request. Eligible students include those eighteen (18) years of age or over or those duly enrolled in a post-secondary school program. Parents or eligible students shall be provided a copy of records on written request. Such copies shall be provided in a manner that protects the confidentiality of other students.

The parent or eligible student shall be granted a hearing regarding the contents of the record on written request to the CEO. If the hearing results in a finding that the record is inaccurate or misleading in whole or that information in the record violates the privacy or other rights of the student, it shall be duly amended. If the hearing finds no impropriety in the record, the parent or eligible student will be informed of the right to enter in the record a comment or exception to the written record.

No individual or agency may have access to the record without the written consent of the parent or eligible student except the following as provided by law:

- Other staff of the Cooperative or member school districts who have been determined by the Chief Executive Officer to have a legitimate educational interest;
- Officials of another school or school district in which the student enrolls or plans to enroll;
- Authorized representatives of specific federal and state officials authorized by law;

- State and local officials to whom reports are mandated by statute;
- Organizations conducting educational studies for a legitimate educational purpose, provided the confidentiality will be assured;
- Accrediting organizations in carrying out their functions;
- Compliance with a judicial order or lawfully issued subpoena; and
- Appropriate parties in a health or safety emergency as determined by the Chief Executive Officer.

Personally identifiable student information may be released to those other than employees who are designated by the CEO in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 CFR Part 99.35.

Duty to Report

If it is determined that KVEC cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the CEO/designee must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

A list of all individuals or agencies, who request access to the record, whether or not it is granted, shall be maintained in the record and accessible to the parent or eligible student. The list shall include name, address, and purpose of inspection.

When student records are transferred pursuant to a student transfer out of a program operated by the Cooperative to a similar program operated by another agency, a reasonable attempt shall be made by the CEO/designee to notify the parent or eligible student.

Employee 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 CEO/designee.

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 CEO. 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.

Internet, E-Mail, Voicemail, and Electronic Communication Devices Usage Policy

Internet, E-mail, Office Telephone Service and Internet

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; and moreover, inappropriate or offensive e-mails 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 and repeatedly 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 a Cooperative owned vehicle, or 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.

Electronic Communication Devices

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

1. Only Cooperative staff and other authorized persons conducting Cooperative business may use Cooperative equipment.
2. Personal use of a Cooperative electronic device is prohibited, except in cases of personal emergency or when extended work hours, unexpected travel or other unanticipated changes in job-related circumstances require the employee to contact family members, teachers, doctors, daycare providers or others affected by the change.
4. Employees are responsible for taking proper care of equipment and reasonable precautions against damage, loss or theft. Loss of equipment should be reported to the Project Director or designee immediately. Losses attributable to negligence shall be replaced by the employee.
5. Discussions of confidential information over a mobile electronic communication device should only be conducted using appropriate safeguards in keeping with standards and acceptable legal practice.
6. Use of Cooperative devices for personal commercial purposes is forbidden.

Notice of Security Breach & Investigation Procedures

PROTECTION AND PREVENTION

The Cooperative will take reasonable security measures in accordance with KRS 61.931 - KRS 61.933, to guard against the foreseeable loss 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;
- 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.

Personal information does not include information that is lawfully made available to the general 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.

INITIAL ASSESSMENT/INVESTIGATION OF SECURITY INCIDENT AND NOTICE

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.

Once it is determined that a security breach relating to personal information has occurred, the Cooperative shall within seventy-two (72) hours: 1) notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, the Kentucky Attorney General and the 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.

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 Auditor of Public Accounts, the Attorney General, the Commissioner of Education, and the 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.¹

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.

REFERENCES:

¹KRS 61.933

KRS 61.931; KRS 61.932

702 KAR 001:170

Data Security and Breach Notification Best Practice Guide

Working hours

- The Kentucky Valley Educational Cooperative will have office hours from 8:00 a.m. to 4:30 p.m. Monday – Friday.
- Certified Personnel: Recognizing that schedules will vary from one work-site to another and that employees may be required to travel for work purposes, general working hours will be from 8:00 a.m. to 4:30 p.m. excluding an un-paid lunch period, five days a week. Certified personnel are expected to work additional time if their duties require it.
- Non-certified Personnel: Working hours will be from 8:00 a.m. to 4:30 p.m. excluding an un-paid lunch period, five days a week. Working hours may be adjusted by the site coordinator or the Executive Director to meet the needs of the Cooperative.
- Meal Breaks: In view of applicable legal requirements, employees are required to take a 30-minute unpaid meal period. Employees are relieved from duty during the meal period and may leave the company's premises. However, they must be prepared to resume work promptly at the end of their scheduled meal period.

Rest Period

- All employees are entitled to fifteen (15) minutes twice a day.
- All employees shall submit a time sheet signed by the employee for each month worked. Time sheets must be submitted by the fifth (5th) of the next month.

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.

COMPENSATION OF STAFF

Salaries

- The Kentucky Valley Educational Cooperative strives to maintain a competitive salary schedule comparable to salary schedules for other organizations engaged in similar work and scale.
- 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.
- The salary of the Executive Director and Associate Director shall be established by the KVEC Board of Directors.
- The salary of Certified Personnel will be based on program funds and shall be established by the Board of Directors after recommendation from the Executive Director. Placement on the approved KVEC salary schedule, salary increases, and promotions are based on the recommendation of the Executive Director and approved by the Board through approval of the annual programmatic operational budget.
- The salary 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, salary increases, and promotions are based on the recommendation of the Executive Director and approved by the Board through approval of the annual programmatic operational budget.
- Consultants: Prevailing practices for paying consultants vary depending upon the relevant experience and professional prestige of the consultant in relation to their purpose.
- 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. In the event that the first (1st) or the fifteenth (15th) fall on a weekend or a holiday, payroll checks will be issued the weekday prior.
- Support personnel are expected to work during the regular work hours of the Cooperative and may not be compensated for time worked outside the regular office hours unless requested by the program director with prior approval by the Executive Director.

Benefits

- It shall be the policy of the Board that certified and non-certified personnel be offered health and insurance coverage to the degree that such benefits contribute to the procurement and utilization of qualified personnel.
- All personnel shall be covered under Worker's Compensation and entitled to the benefits provided by the Worker's Compensation Laws. Injuries incurred while at work and within the scope and course of the employee's duties must be reported to the employee's supervisor as soon as practical.
- All certified personnel will be eligible for membership in the Kentucky Teacher Retirement System.
- All non-certified personnel will be eligible for Social Security coverage and County Employees Retirement System coverage.
- 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

Leaves of Absence

- Sick Leave: Certified employees of the Cooperative who work full time will be entitled to ten (10) sick days and three (3) personal leave days per year with full pay. Sick leave days are accumulative without limitation.
- Classified employees of the cooperative who work 240 days will be entitled to ten (10) sick leave days and three (3) days personal leave days per year with full pay. Sick leave days may be accumulated.
- Sick and personal leave time for employees who work less than 240 days will be based on the formula below:
Sick:
.0417 X Hours Contracted (i.e. 1920 hours = 80 sick hours)
.0417 X Days Contracted (i.e. 240 days = 10 sick days)
Personal:
.0125 X Hours Contracted (i.e. 1920 hours = 24 personal hours)
.0125 X Days Contracted (i.e. 240 days = 3 personal days)
- Certified employees shall be compensated at the time of retirement for each unused sick day. 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. Payment for unused sick days shall be incorporated into the annual salary of the final year of service; provided that the employee makes the regular retirement contribution for members on the leave payment.
- Leave time should be scheduled by all employees to interfere the least with the work of the Cooperative. Approval of the immediate supervisor of the employee and the Executive Director will be required for all leave.
- Employees who resign are not entitled to any sick leave compensation.

Civil Leave Jury Duty: When an employee serves on a jury, such employee will be entitled to leave, with pay, for such duty and for such period of absence as may be required, less any compensation received for serving as a juror.

Court Attendance: When an employee attends court in connection with his usual official duties, no leave is required. Any compensation received as a witness while serving in an official Cooperative capacity will become the property of the Cooperative.

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, he shall be granted civil leave with pay for such duty. Any compensation received as such a witness shall be turned in to 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.

Military Leave: Members of reserve components of the Armed Forces of the United States will be entitled to leave of absence without loss of pay, legal leave, vacation pay, or impairment of efficiency rating. An employee while on military leave will be paid his salary for a period not to exceed 15 calendar days in any one calendar year.

Family Medical Leave: Employees will be eligible for leave under the guidelines of the United States Department of Labor Family Medical Leave Act. A full explanation of the Act can be found at the following web address: <https://www.dol.gov/agencies/whd/fmla>

Holidays

KVEC observes four holidays. The holidays listed below are recognized by the Cooperative; employees can use their six (6) paid holidays or non-contract days on any of those listed below:

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

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

EMPLOYEE'S REIMBURSEMENT FOR TRAVEL

Travel Authorization

Authorization: Official travel shall be authorized in advance. The responsibility for approving travel shall be that of the Executive Director.

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) 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: 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 in the chart below. 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 at 4:30 p.m. following the overnight absence – that employee would be eligible for reimbursement for the following meals: Day One – Breakfast, lunch, dinner. Day Two – Breakfast, lunch.

Reimbursement for non-high rate areas (In-State)

Daily subsistence reimbursement amounts may be combined but will not exceed maximum approved rate and subsistence reimbursement shall be made based upon actual receipts minus tips.

1. Breakfast: authorized travel before 6:30 a.m. – ten (10) dollars
2. Lunch: authorized travel before 11:00 a.m.– ten (10) dollars
3. Dinner: authorized travel before 5:00 p.m. – twenty (20) dollars

Reimbursement for high rate areas (Out-of-State)

Daily subsistence reimbursement amounts may be combined but will not exceed maximum approved rate and subsistence reimbursement shall be made based upon actual receipts minus tips.

1. Breakfast: authorized travel before 6:30 a.m. – ten (10) dollars
2. Lunch: authorized travel before 11:00 a.m. – fifteen (15) dollars
3. Dinner: authorized travel before 5:00 p.m. – twenty-five (25) dollars

Tips, etc.: Tips, when allowed, should not exceed 15% of the daily subsistence reimbursement amount, but may exceed 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. 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 making payment.

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.

DEVELOPMENT OF STAFF

Professional Development

- 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.

Evaluations

- Annual Review: An annual review will be made of the performance of all certified and non-certified personnel and may be the basis for determining salary adjustments. This review will be administered by the Executive Director and other supervisory Cooperative personnel (Project Directors).
- Review of the Executive Director: The Board of Directors will review the performance of the Executive Director.

SEPARATION OF STAFF

Dismissal

- Certified and non-certified employees may be terminated for insubordination, immoral character, inefficiency, incompetence, or neglect of duties.

Resignation

- Notification of resignation should be made early enough to provide for continuous operation of the Cooperative activities. This is interpreted as thirty (30) days in the case of certified employees and fifteen (15) days in the case of non-certified employees.

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

Disciplinary Action:

- Disciplinary action can be taken when an employee's performance is deficient in any respect.

Attendance:

- Absence and Lateness: 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.
- If a staff member must be absent due to illness, accident or other unavoidable cause, the staff member should telephone or otherwise advise the office or supervisor. This notification is expected for each day absent unless it is understood that the staff member will be absent for a certain number of days.

Behavior Standards:

- KVEC staff members are required to abide by certain rules and regulations. These have been established to protect staff members, other employees and the organization from injury or other threats to well-being and to promote harmonious, efficient working practices.
- Failure to observe established rules and practices can lead to disciplinary action including formal warnings, suspension, probation and discharge.
- KVEC seeks to establish a culture that assists staff members identify challenges and improve performance and behavior. However, in the event that 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. Among the offenses for which an employee could be disciplined are:
 - Excessive absences or lateness.
 - Neglect of KVEC property.
 - Excessive personal use of the telephone.
 - Use of abusive language.
 - Drug or alcohol abuse on the job.
 - Conduct that disrupts business activities.
 - Theft of KVEC property or that of other employees.
 - Insubordination or refusing to follow instructions.
 - Intoxication (including the effects of illegal drugs) during working hours.
 - Deliberate misuse of KVEC property.
 - Deliberate injury to another person.
 - Violating a confidence; unauthorized release of confidential information.
 - Other offenses that in the view of the Executive Director seriously threaten the well being of KVEC or any employee.

Possible actions include counseling, formal warnings, probation, suspension and discharge. The specific action to be taken will depend on the nature of the offense, the circumstances and your previous record.

Dress Code: 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.

Death: The beneficiary of the deceased Cooperative employee shall receive his/her earned pay.

EMPLOYEE PERSONNEL FORMS

Personnel records on all Cooperative employees will be maintained as follows:

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