

Personnel Policies and Administrative Memoranda

Pursuant to Section 79-306 of the Revised Statutes of Nebraska, the Commissioner of Education is the administrative head of the State Department of Education and has the authority to establish and maintain an appropriate system of personnel administration and such administrative rules and regulations as are necessary for the proper execution of duties and responsibilities placed upon him or her. Accordingly, the State Board authorizes the Commissioner to promulgate personnel policies and procedures at his or her discretion without subsequent approval by this Board.

The State Board also authorizes the Commissioner to promulgate a series of Administrative Memoranda detailing internal operating procedures for the Department at his or her discretion and to issue, revise, and update such Administrative Memoranda without subsequent approval by this Board.

The Board reserves the right, at any time, to direct the Commissioner to revise, reverse, or amend any personnel policy or Administrative Memorandum that he or she has promulgated or to include additional provisions as directed by the Board.

Labor Negotiations

The Commissioner shall act as representative of the State Board in all labor negotiations and shall appoint the bargaining team and chief negotiator. He or she shall advise the Board prior to, and on a regular basis, during negotiations. Bargaining Unit agreements shall be approved by the Board.

Equal Opportunity Employment and Nondiscrimination

As a matter of policy, the State Board of Education prohibits the following employment practices by the Department, which are unlawful under Section 48-1104 and 48-1004 of the Revised Statutes of Nebraska:

48-1104 R.R.S.

It shall be an unlawful employment practice for an employer:

(1) To fail or refuse to hire, to discharge, or to harass any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, disability, marital status, or national origin; or

(2) To limit, advertise, solicit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee, because of such individual's race, color, religion, sex, disability, marital status, or national origin.

48-1004 R.R.S.

(1) It shall be an unlawful employment practice for an employer:

(a) To refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to the employee's terms, conditions, or privileges of employment, otherwise lawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; or

(b) To willfully utilize in the hiring or recruitment of individuals for employment otherwise lawful, any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against individuals because of their age.

(4) It shall be an unlawful employment practice for any employer, employment agency, or labor organization to discharge, expel, or otherwise discriminate against any person because he or she opposed any unlawful employment practice specified in the Age Discrimination in Employment Act or has filed a charge or suit, testified, participated, or assisted in any proceeding under the act.

Board Action History

- 3/11/77 – Prior BIB
(Mentioned statute authorizing system of personnel administration in list of Commissioner's duties)
- 7/7/78 – Prior HAE
(Board appoints negotiating team and chief spokesman)
- 7/2/79 – Prior GAAA
(Equal Opportunity Employment)
- 12/7/84 – Prior 2231 DO
(Referenced personnel statute as in former BIB, and covered personnel policies, administrative memorandums, and State school policy manual)
- 12/7/84 – Prior 4135.3 DO
(Same as former HAE)

Board Action History (cont'd)

- 12/7/84 – Prior 4118.11 DO
(Same as GAAA, without statute references)
- 12/8/95 – Prior D4
(Combined 3 prior policies, but designated Commissioner to act as labor representative and to appoint bargaining team. Revised non-discrimination statement to cite statute.)
- 11/3/06 – D4
(Deleted reference to State school policy manual and Personnel manual and added 48-004 R.R.S. reference.)
- 10/08/09 – D4
(Amended to include Subsection (4) of 48-1004 R.R.S., which prohibits retaliation.)

Cross-References

- 79-306
- 48-1004
- 48-1104
- 93 NAC 1-16