



# ***POLICIES and BY-LAWS***

*Adopted: June 18, 2003*  
*Amended: June 13, 2006*  
*Amended: September 20, 2006*  
*Amended: June 5, 2007*  
*Amended: April 16, 2008*  
*Amended: March 18, 2009*  
*Amended: July 15, 2009*  
*Amended: March 18, 2010*  
*Amended: July 21, 2010*  
*Amended: March 14, 2012 Amended: April 11, 2013*  
*Amended: November 20, 2013*  
*Amended: April 16, 2014*  
*Amended: April 15, 2015*  
*Amended: September 16, 2015*  
*Amended: October 17, 2018*  
*Amended: September 18, 2019*  
*Amended: June 10, 2020*  
*Amended: July 1, 2021*

KENTUCKY EDUCATIONAL DEVELOPMENT CORPORATION

# **Policy and By-Law Handbook**

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# **Introduction**

## **The Mission of KEDC**

*“Your Trusted Partner in Education”*

### **KEDC Vision Statements**

- 1) All KEDC team members will focus on the improvement of the school community, providing high quality services to our member districts.
- 2) The KEDC Team will foster a culture of “Customer Service”; the call to serve will be promoted and expected. All resources will be committed to fulfill the mission of preparing students to be college and career ready.
- 3) The KEDC Team will focus on preparing learners for global competitiveness. We will keep on the cutting edge of all instructional practices and technology resources.
- 4) The KEDC Team will provide a professional environment and hospitality to all. This service will provide an opportunity for our member districts to use the facilities for professional learning among educators and staff. We will provide a clean, safe and respectable environment to promote a learning atmosphere.

## **Welcome**

Welcome to the Kentucky Educational Development Corporation (KEDC).

KEDC is a tax-exempt non-profit corporation that operates under an Interlocal Cooperation Agreement (ICA) approved by the Kentucky Commissioner of Education and the Kentucky Attorney General's office. The corporation has been designated by the U. S. government as a charitable education organization under 501(c) 3 of the U. S. tax code.

The purposes of the handbook are to acquaint you with the policies and by-laws that govern and affect operations of KEDC and individual employment with KEDC and to outline the benefits available to employees. Employees who fail to comply with KEDC policies may be subject to disciplinary action.

This handbook is a compilation of policies and by-laws 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 handbook and Kentucky Revised Statute, Kentucky Administrative Regulation, or federal law or regulation, the state or federal documents will govern. Any references to a specific gender in this handbook 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.

## **KEDC Mission**

The mission of the Kentucky Educational Development Corporation is to develop the capacity of schools, school districts, and other partners to transform their educational systems to produce students who can successfully compete in a global society.

## **Future Policy Changes**

Although every effort will be made to update the handbook 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 handbook at any time.

## **Board Powers and Duties**

### **01.1 Legal Status**

KEDC is a legal body created under 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 Board of Directors of KEDC.

The Board shall function and act as a corporate body of the whole. Board members have no authority over KEDC affairs as individuals, but do retain authority, within state law, over KEDC 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 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 educational policies, as well as the effectiveness of the general administration.

The Board of Directors shall be the policy making body of the Corporation. Its powers and duties shall be to:

1. Appoint an Executive Director and determine his/her salary;
2. Develop and approve policies for the operation of KEDC;
3. Contract for specialized services;
4. Designate one (1) or more banks, or trust companies, as depositories for KEDC funds;
5. Approve budgets for programs conducted by KEDC;
6. Receive federal, state, school district and other monies, and expend them to conduct service programs approved by the Board;



## **KEDC POLICIES AND BY-LAWS**

7. Establish all positions and a job description for each position, and fund the positions in the budget;
8. Adopt employment policies for staff with assurances of equal employment opportunities; and
9. 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 Educational Development Corporation and shall be based on a July 1-June 30 fiscal year.

### **01.4 Meetings**

#### *Quorum*

At any meeting of the Board, greater than 20% of the voting membership will be required to constitute a quorum. No action may be taken unless a quorum is present. A majority of the quorum may transact business. Committees of the Board shall require greater than 40% of the committee membership to constitute a quorum for a meeting of that committee. If a committee is short of a quorum then other regular members of the Board may participate and be counted to make a quorum for that committee meeting. The Board may choose to allow participation by members thru electronic connections (interactive webcasts or other electronic means) for Board meetings and/or committee meetings.

#### *Voting*

Voting on all motions before the Board will be by voice vote, except that a roll call vote shall be taken and recorded when requested by any voting member present for that vote. In the event that the Board permits members to attend thru electronic connections (interactive webcasts or other electronic means) then those members or their official designated representative may participate fully in the meeting including making or seconding motions and voting thru the electronic connection.

Only voting members or their official representative, as designated in advance in writing or via e-mail, shall have voting privileges. Each voting member shall inform the Board Secretary of the name of the individual(s) who shall be recognized as the official designated representative in the absence of the member for purposes of voting or participating in closed sessions.

Official designees must be empowered by the voting member to vote on all issues and, therefore, to commit the district to actions taken by the Board.

### 01.4 AP2 Officially Designated Representative

(Notification of; for a specific meeting)

I, \_\_\_\_\_, will not be attending the KEDC meeting to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and will be sending \_\_\_\_\_ as my officially designated representative who is empowered by me to vote on all issues and to participate in all closed sessions.

This, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_

School District \_\_\_\_\_

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(Notification of; for all meetings in a fiscal year)

I, \_\_\_\_\_, may not attend all regular or special KEDC meetings held during the 20\_\_\_\_ - 20\_\_\_\_ Fiscal Year and in my absence will be sending \_\_\_\_\_ as my officially designated representative who is empowered by me to vote on all issues and to participate in all closed sessions.

This, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_

School District \_\_\_\_\_

## **01.411 Board Officers**

Officers of KEDC (Chairperson and Chairperson-Elect) shall be elected by simple majority vote from the voting membership only.

The offices of Chairperson and Chairperson-Elect shall serve a term of one (1) year, effective July 1 to June 30, at which time the Chairperson-Elect will assume the office of Chairperson for the succeeding year.

### *Chairperson*

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

1. Conduct all regular and special meetings of the Board of Directors;
2. Call special meetings as deemed necessary by properly notifying members of the Board;
3. Appoint any necessary committees, and representatives to any regional, state, or federal level board, council, task force or committee as required or requested;
4. Preside at all meetings of the Board and vote on motions placed before the Board for action;
5. Sign such documents on behalf of the Board as may require his/her signature;
6. Represent the Board in deliberation with other Boards, districts, or agencies unless another member of the Board is so designated; and
7. Perform all duties required by the statute and such other duties as may be prescribed by law or by action of the Board.

In the event that the Chairperson of the Board is absent from any meeting of said Board, the Chairperson-Elect of the Board will act as temporary Chairperson. In the event that the Chairperson and Chairperson-Elect are both absent, the Board will designate another member of the Board to act as temporary Chairperson.

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

### *Chairperson-Elect*

The Chairperson-Elect will perform all duties of the Chairperson when acting in that capacity. The Chairperson-Elect shall succeed the active Chairperson effective July 1 of the respective fiscal year.

## **01.412 Secretary**

The Executive Director will appoint a person who is not a member of the Board to serve as Secretary to the Board of Directors. The Executive Director may appoint himself as Secretary. The Secretary's duties shall include, but not be limited to, the following:

1. The Secretary shall report directly to the Executive Director;
2. The Secretary will cause an accurate record of all Board business to be kept in the minute book;
3. Minutes will be typed and mailed or delivered to each Board member before the next regular or special meeting;

(Delivery may be accomplished by emailing an internet link for download.)

4. After the minutes are adopted, they will be bound and kept in a permanent, safe place; and
5. The Secretary will sign all papers and orders of the Board that requires his/her signature, will be responsible for the safekeeping of other records, and will perform other duties as may be assigned by the Executive Director, by the Board through the Executive Director, or by statutes.

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

## **01.413 Treasurer**

The Executive Director of KEDC shall serve as the bonded treasurer of the Board of Directors, responsible for receipt and deposit of all funds and for keeping full and complete accounts of all funds in such manner and make such reports as are required by the Board. The Treasurer shall issue appropriate checks for payment of all legal claims that have been authorized for payment in accordance with rules and regulations adopted by the Board.

The Treasurer's duties shall be as follows:

1. Serve as official custodian of all funds of KEDC and be responsible for proper safeguarding of and accounting for all funds;
2. Issue a receipt for any monies coming into his/her hands;
3. Deposit such monies in accordance with the laws governing the deposit of public funds; and
4. Issue appropriate checks for payment of all legal claims incurred on behalf of KEDC. The Treasurer is authorized to pre-pay all claims, but will present a list of all pre-paid invoices at the next regular meeting of the Board of Directors per policy 04.3111.

## **KEDC POLICIES AND BY-LAWS**

The Board, upon recommendation from the Executive Committee, shall appoint a person to co-sign checks with the Treasurer.

### **01.42 Regular Meetings**

As a general procedure, regular meetings of the Board are held on the third (3rd) Wednesday of each month at 3:00 p.m., with the meeting to be continued the following morning beginning at 9:00 a.m. There will be no regular meeting during the months of August, December, May, and June. The dates and places of the regular meetings are approved each year by the Board, entered in its minutes, and publicized at that time. 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.

The Board may, at its discretion, provide food as part of its normal meetings. It may also allow staff to provide working lunches at KEDC offices for professional development and staff meetings when leaving is not a feasible option due to time constraints or subject matter.

#### **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. In addition, the notice shall clearly state that the meeting will be a video teleconference and precisely identify the 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.

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

The public is invited to attend all regular and special Board meetings and may, at the discretion of the Chairperson, be given time to voice opinions or problems.

## **KEDC POLICIES AND BY-LAWS**

The Board recognizes its responsibility to conduct business of KEDC in an orderly and efficient manner and will, therefore, require reasonable controls for public presentations to the Board. Persons wishing to be heard by the Board will first be recognized by the Chairperson. They will then identify themselves and proceed with comments as briefly as the subject permits. The Chairperson 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.

Persons who wish to speak on items listed on the agenda should seek recognition at the time the Board considers that particular item. Persons who wish to speak on an item not listed on the agenda are required to submit the request in writing, which must be received in the office of the Executive Director no later than ten (10) days prior to the scheduled meeting.

### **01.43 Closed Sessions**

All meetings of the Board will be open to the general 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 or member without restricting the employee's or member'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 that federal or state law specifically requires 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;

## **KEDC POLICIES AND BY-LAWS**

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 Chairperson may call a special meeting of the Board at any time. Notice of a special meeting will be delivered by mail or email to each Board member. The notice shall be delivered at least twenty-four (24) hours prior to the specified time of the meeting. Only those matters listed in the call to the 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, the policy governing closed sessions applies.

### **01.45 Agenda Preparation/Dissemination**

The Executive Director will consult with the Board Chairperson 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 delivered to the Board members at least six (6) days prior to each regular Board meeting. Delivery may include email of a file or an internet link to a file to download.

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 delivery of a regular Board meeting agenda, and approved by the Executive Director or Board Chairperson as an item requiring immediate action by the Board, shall be printed in italics on the agenda to identify it as an addition.

#### *Special Meeting Agenda*

For special meetings, the Board will consider only those matters that are listed on the delivered agenda. Items may be placed on a proposed special called meeting agenda at the direction of the Chairperson.

## **KEDC POLICIES AND BY-LAWS**

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. However, once the agenda for a special called meeting is posted or delivered to Board members and requesting media, it may only be amended 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 belongs to the Board of Directors of KEDC. The Executive Director, as executive officer of the Board, sees that policies are executed as provided by law.

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

The Board reserves to itself the function of providing guides for discretionary action by those to whom it delegates authority. These guides for discretionary action constitute the policies governing the operation of KEDC. They will be recorded in writing.

Formulation and adoption of written policies constitute the basic method by which the Board exercises leadership in the operation of KEDC. 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 KEDC.

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. Regulate 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. Employees who fail to comply with KEDC Board policies may be subject to disciplinary action.



## **KEDC POLICIES AND BY-LAWS**

### *Adoption*

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 policy 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 also 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 any regulation 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 is so recorded in Board minutes.

A favorable vote from two-thirds (2/3) of the Board quorum 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 administrative rules, regulations, 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 and regulations needed to put them into effect.

All employees are responsible for complying with all rules, regulations, and policies of the Board. In addition, employees must comply with Kentucky Revised Statutes, administrative rules and regulations, and oral directives of their supervisors. All employees are responsible for acquainting themselves with KEDC rules, regulations, policies, and state statutes.

The Executive Director also is responsible for resolving 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. When this is not possible, the complainant may be present at the Board meeting to state the complaint.

## **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 Board policy concerning closed sessions.

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 different from that actually cast. Minutes may only be amended to correct errors and to reflect an accurate account of actual conduct of Board meetings.

## **01.7 Board Attorney**

The KEDC may employ an attorney to advise and represent it in legal matters. In special cases, the Board may employ additional attorneys as needed whose powers shall be prescribed by law.

## **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 and associations.

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

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

## **Administration**

### **02.1 Participation in KEDC Services and Programs**

The KEDC Board, upon the recommendation of the Executive Director, shall annually approve the necessary requirements, terms and fees, if any, for participation of school districts in Board membership, and/or participation by various organizations as might be permitted by law, including vendors, in utilization or provision of KEDC programs and services. Revisions to the requirements, terms, and fees may be made, upon the recommendation of the Executive Director, at any meeting of the Board by a majority vote.

#### **02.11 Qualifications of the Executive Director**

The Board holds the Executive Director responsible for the efficient management of KEDC. The Board expects the Executive Director to administer carefully the organization and its 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 individual to serve in the capacity of Executive Director of KEDC. The individual so designated shall have demonstrated competence and ability as a leader.

#### **02.12 Executive Director Duties/Responsibilities**

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 administers KEDC, carrying out the policies established by the Board and, when necessary, identifying inconsistencies and recommending revisions in the Board's guidelines.

As Chief Executive Officer of the Board, the Executive Director is the administrative head of all programs of KEDC. The Executive Director may delegate duty and authority for operation of the various programs, but s/he retains responsibility to the Board for the results produced.

## **KEDC POLICIES AND BY-LAWS**

The Board will not bypass the Executive Director but rather, will leave the administration of its policies 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 KEDC and the Executive Director, as set forth in Board policy and state law and regulations.

### *Executive Director Responsibilities*

Duties and responsibilities include:

- *General Supervision* – Provides general supervision of the organization with specific attention to day-to-day operations.
- *Policy Implementation* - Is responsible to Board of Directors for the operation and administration of KEDC in accordance with the policies and by-laws contained in this handbook.
- *Planning* – Plans effectively from year to year with special attention to long-term consequences for the organization.
- *Budget* – Develops budget recommendations reflecting knowledge of accurate income. Expenditures reflect an appropriate delivery of services as dictated by the Board of Directors.
- *Board of Directors* – Plans monthly meetings of the Board of Directors to meet the needs of the organization and member districts.
- *Programs* – Develops programs and prices them accordingly to meet the needs of member districts.
- *Personnel* – Outlines the appropriate number of personnel. Employs, supervises, assigns, and evaluates personnel in an effective manner.
- *Technology* – Keeps abreast of developments in all areas of technology and proposes innovative use in member districts.

## **KEDC POLICIES AND BY-LAWS**

- *Instructional Support* – Develops programs that will enhance the instructional programs in member districts and will encourage use of KEDC offerings.
- *Communications* – Represents KEDC and member districts on issues as directed. Attends local, state, and national meetings in the best interest of member districts. Communicates to appropriate agencies collective positions and conducts necessary follow-up. Serves as a liaison to Kentucky Department of Education and Kentucky General Assembly.
- *Miscellaneous* – Performs other duties as assigned by the Board of Directors.

### *Salary*

The salary of the Executive Director shall be established 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**

1. Each year the Executive Director shall report to the Board of Directors concerning accomplishment of KEDC goals and objectives.
2. The Executive Director *Job Outline/Evaluation Form* will be given to Board members at the March Board meeting. A copy of the form will be mailed to members not present at that meeting. The members will be asked to return the completed forms to the Board Chairperson.
3. During the April Board meeting the Board will adjourn to executive session for personnel matters:
  - a. The Executive Director shall answer questions of Board members concerning accomplishment of KEDC goals and objectives.
  - b. The Executive Director shall be excused.
  - c. The Board Chairperson shall lead the evaluation discussion using the following guidelines:
    - 1) Examine whether action was initiated in accordance with the duties and responsibilities of the Executive Director as specified in policy.
    - 2) Examine whether results were accomplished that were within the Executive Director's control.

## **KEDC POLICIES AND BY-LAWS**

4. The Board Chairperson shall meet with the Executive Director to discuss the evaluation and shall prepare a written summary of the evaluation for the Executive Director's personnel file. The Executive Director shall receive the member evaluation forms to benefit from the Board members' feedback. The evaluations may be anonymous.
5. The Board shall adjust the Executive Director's salary and consider his/her requests for contract extension (if any) at the April Board meeting in accordance with the evaluation.

## Personnel

The goals of the Board are (1) to employ qualified personnel for all positions in the Kentucky Educational Development Corporation; (2) to establish fair and equitable procedures for transfers and promotions within KEDC; and (3) to provide, to the extent possible, working conditions and resources to enable each employee to perform to the greatest potential within his/her assigned position.

### 03.1 Employment Status

#### *Eligibility for Benefits*

For purposes of determining eligibility for KEDC benefits, personnel shall be employed based on the following designations. Only full-time and regular part-time employees are eligible for employment benefits (leaves, paid holidays, insurance, and retirement benefits). Probationary employees are eligible for benefits at the discretion of the Executive Director, based on employee recruitment and retention considerations.

- *Full-Time* - An employee who works at least forty (40) hours per week on a regular ongoing basis (from 185 to 260 days per work year).
- *Regular Part-Time* - An employee who regularly works fewer than forty (40) hours per week, but at least eighty (80) hours per month.
- *Probationary* – Employees working an initial two (2) to six (6)-month period as determined by the Executive Director, during or after which it will be determined whether employment will continue.
- *Consultant* - An individual who provides services for KEDC on an “as-needed” basis.
- *Intern* - An employee who is hired in conjunction with a program established by a college or university that requires or allows credit toward a degree for employment with KEDC.
- *Temporary* - An employee who is hired to work either part-time or full-time on a temporary or seasonal basis but is not intended to be permanent or long-term employee.

## **KEDC POLICIES AND BY-LAWS**

- Full-time and part-time employees shall fall under one (1) of the following classifications:
- *Exempt* – Employees whose position requires:
  1. Kentucky teacher or administrator certification; or
  2. A degree; or
  3. Administrative/leadership position qualifications; or
  4. Direct implementation of programs for children, parents, and school district personnel. (These may be hourly or salaried employees.)

*Non-exempt* – Employees in positions that support logistical operations of KEDC programs and services. These shall be hourly employees.

The Executive Director may require an employee to submit to medical examinations including drug and alcohol tests provided they are based on job-related criteria and comply with ADA and privacy requirements. KEDC will bear the cost of any required tests. 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.

### **03.11 Hiring**

#### *Authority to Employ*

Appointments and promotions of employees will be made by the Executive Director. The Executive Director will prescribe the duties and establish compensation as regulated by the appropriate salary schedule and/or any relevant amendments as adopted by the Board. The Executive Director shall inform the Board of all personnel actions at the next regularly scheduled Board meeting.

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

For employees who are hired pursuant to and directly as a result of an agreement with an outside 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*

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.



## **KEDC POLICIES AND BY-LAWS**

### *Qualifications*

The Executive Director, in determining the eligibility of a particular candidate for a position, will select that person whose skills best meet the requirements of the job.

No person will assume duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with KEDC. 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 KEDC, if their previous form is more than three (3) years old, or if their previous I-9 form is no longer valid.

### *Creation of New Positions*

The creation of any new position shall require the approval of Board of Directors. The Executive Director shall employ all personnel and determine the number of personnel required in each position. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with KEDC personnel policies.

No director, manager, supervisor, or representative of KEDC 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 for a specified time entered into by the Executive Director shall not be enforceable unless it is in writing.

### *Job Posting*

All job openings for regular full-time and part-time positions shall be posted in such a way that all KEDC employees who are qualified and interested in the position may make timely application for the position. The Executive Director shall give first consideration for openings to applicants who are current KEDC 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 KEDC to seek and obtain the best qualified individual for employment with KEDC. The posting shall include information concerning the basic duties and responsibilities, date of opening and closing for acceptance of applications, and the salary range of each position available.

### *Criminal Records Check*

KEDC shall screen all new employees for a criminal past history. The Executive Director or designee shall require all new employees to submit to a thumbprint criminal record check as part of the initial employment process.

KEDC will use the criminal records check service provided by the Kentucky State Police. Employees who spend any time in a school setting will also have a Central Registry background check (CA/N check) per KRS 160.380 documenting the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet. KEDC will bear the cost of this service. The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of the State Police report and verifies the employee is qualified for final employment.

## **KEDC POLICIES AND BY-LAWS**

The Executive Director after reviewing the State Police Report shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the State Police Report 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 State Police Report if it reveals behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children.

Link to DPP-156 Central Registry Check and more information on the required CA/N check:

<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANChecksandCentralRegistryChecks.aspx>

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

The Executive Director shall terminate the employment process if the State Police Report indicates criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

### **03.111 Medical Examinations**

The Executive Director may require an employee to submit to medical examinations including drug and alcohol tests provided they are based on job-related criteria and comply with ADA and privacy requirements. KEDC will bear the cost of any required tests. 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.

### **03.113 Equal Employment Opportunity**

KEDC shall provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex (including sexual orientation or gender identity), genetic information, national origin, political affiliation, age, handicap, 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, or transfer, recruitment practices, layoff or termination, rates of pay or other terms of compensation, and selection for training in all positions.

The KEDC 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.

## **KEDC POLICIES AND BY-LAWS**

KEDC employment practices shall be in accordance with requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

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 accommodations necessary for them to perform the essential duties of the position. Reasonable accommodation shall be provided as required by law.

### *Process to Follow*

KEDC follows the Code of Federal Regulations, Title 29 C.F.R. Part 37, Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Investment Act of 1998.

Any employee, at KEDC who is concerned about equal opportunity or fairness in employment at KEDC, either in a general sense or with respect to his or her own situation, is encouraged to contact the designated Equal Opportunity Officer (EOO). Talking about a problem with the EOO is not a part of any formal procedure. However, the EOO can investigate a situation and help to resolve it informally. A written complaint must be filed with the EOO for all formal matters. The EOO also informs individuals about the availability of KEDC's grievance procedures for employees. All inquiries are treated in a confidential manner.

Any formal written process will be filed with the EOO, and it should include the following:

- Your name, address, and telephone number;
- A short description of the events that you believe were discriminatory
- Why you believe you were discriminated against
- A short description of any injury you suffered; and
- Your signature

The Equal Opportunity Officer is required to report directly to the KEDC Executive Director about equal opportunity matters. If the EO Officer does not report directly to the KEDC Executive Director, she or he must have access to that person without undue delay or obstructions, to ensure that the necessary flow of information between the EO Officer and the KEDC Executive Director is not hindered. All formal complaints will be investigated and reported on within a thirty (30) day period, but may also be extended up to an additional sixty (60) calendar days if more time is needed for resolution.

## **03.12 Benefits/COBRA Notification**

KEDC 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.

## **KEDC POLICIES AND BY-LAWS**

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. Under COBRA, the employee or beneficiary pays the full cost of coverage at KEDC group rates, plus a small administrative fee.

At the time of initial employment an employee shall be given the first COBRA notification and a written notice describing rights granted under COBRA. Second notification and continuation of benefits shall be contingent upon the employee's notifying KEDC of a qualifying event.

### **03.121 Compensation**

#### *Salaries*

The salary of the Executive Director shall be established by the Board of Directors. Salaries for all employees shall be set by the Executive Director, within the budget parameters and the salary schedule established by the Board of Directors.

Addition of days to be worked beyond the original contract for a position requires prior Board approval before the change goes into effect.

KEDC may award merit-based pay adjustments or utilize incentive payment provisions to recognize and encourage superior employee performance. The Executive Director shall determine whether to make such an adjustment or provide an incentive payment provision based on numerous factors including, but not limited to, performance factors or information documented by the formal evaluation process. Merit-based pay adjustments or incentive payment provisions shall be subject to restrictions of the employee's funding source, as well as the level of funding available for personnel costs. A resignation or termination of employment prior to the normal time for payment of incentives will result in the employee forfeiting any incentive payments. The Executive Director shall report any merit-based pay adjustments or incentive payment provisions to the Board at its next regularly scheduled meeting as part of the routine report on employment actions or personnel report.

#### *Pay Dates*

Employees shall be paid on the 15th and 30th days of each month or on the last preceding working day when the payday falls on a Saturday, Sunday, or holiday. A schedule of pay periods and paydays may be obtained from the KEDC office.

Each paycheck will include earnings for all work performed from the end of the previous payroll period, as well as year-to-date totals. All employees shall have their pay electronically deposited into their bank accounts.

Employees should contact the Payroll Officer concerning questions or possible errors in paychecks. Corrections shall be made as soon as possible or by the next regular paycheck. When necessary, a reimbursement schedule shall be implemented when overpayments occur.

## **KEDC POLICIES AND BY-LAWS**

### *Overtime*

Employees working overtime shall be compensated according to state and federal wage and hour requirements.

Employees may volunteer for overtime work assignments when assistance is needed beyond normal working hours. However, except in cases deemed by the Executive Director/designee to be an emergency precluding written documentation, all overtime work must receive the supervisor's prior written authorization. Employees will not be paid for unauthorized overtime.

### **03.1211 Salary Deductions**

KEDC 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.

### **03.1213 Cafeteria Plan**

Employees will be provided a listing of programs provided through the KEDC Flexible Benefits "Cafeteria" Plan for tax-sheltered payroll reductions. By action of the KEDC Board through the Executive Director's annual employee salary and COLA recommendation, certain fringe benefits as defined in the recommendation may be funded for a given fiscal year.

### **03.122 Holidays/Annual Leave**

#### *Designated Holidays*

The KEDC holiday schedule will align with Federal holiday schedule. All employees considered full-time or regular part-time in a contract year or period shall be paid for all Federal (10) holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. If any of these holidays occurs on a non-workday, then the Executive Director shall select an alternate day for the observance. Holidays may not be taken as partial days or in incremental hours. The office will be closed on all designated holidays and the day after Thanksgiving.

#### *Employees on Leave*

Employees on paid leave of absence at the time of an official KEDC holiday shall receive pay for that holiday. Except for those on FMLA leave, 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.

## **KEDC POLICIES AND BY-LAWS**

### *Annual Leave*

All employees considered full-time or regular part-time who work 240 or more days in a contract year or period shall be entitled to five (5) days of annual leave each year. Use of annual leave days must be approved in advance by the employee's Supervisor and/or Executive Director. Annual Leave days shall not accumulate unless otherwise approved the Board of Directors and/or the Executive Director. Annual Leave days may not be taken as partial days or in incremental hours.

Recognition of annual leave for TRS purposes shall be governed by applicable statutes and regulations. For an individual who became a member of TRS on or after July 1, 2008, payment for annual leave shall not be included in determining the member's last annual compensation.

## **03.123 Absences/Unpaid Leave**

### *Absences*

Employees are expected to notify their immediate supervisor when they must be tardy or absent. Staff in positions requiring substitutes must contact their immediate supervisor to request a substitute for the day.

Authorization of leave and time taken off from one's job shall be in accordance with a specific leave policy. An employee who is absent from duty without approval shall report the reason to his/her supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absences without leave may be grounds for termination of employment.

### *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, KEDC 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 KEDC. Employees who fail to notify the Executive Director of their return by April 1 shall not be guaranteed employment for the following 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.

Employees taking any long-term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position cannot be guaranteed.

## **KEDC POLICIES AND BY-LAWS**

### *Short-Term Unpaid Leave of Absence*

Special leave of absence may be granted to all staff of the Cooperative in accordance with the limits set forth by the Board. When all paid leave options have been exhausted, an unpaid leave of absence may be granted employees for extended illness or other reasons approved by the Executive Director in response to requests submitted in writing, provided the leave is for educational or professional purposes, or for illness, maternity, adoption of a child or children, or other disability.

The Executive Director may grant unpaid leave without pay for a period or periods not to exceed twenty (20) working days in any fiscal year.

### *Holidays/Leave Accrual While on Unpaid Leave*

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

### *FMLA*

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

### *Political Activity Leave*

The Board may grant any employee, upon written request, an unpaid leave for the purpose of engaging in political activities. Such a leave shall be granted in accordance with procedures established by the Executive Director.

## **03.1231 Personal Leave**

Full-time employees shall be entitled to two (2) days of personal leave with pay each year.

Persons employed for less than a full-year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest full day. Regular part-time employees, in positions normally requiring fewer than 1480 contract hours, but at least 740 hours, shall be entitled to one (1) day personal leave, calculated to the nearest full day, for every 740 hours required for the position up to a maximum of two (2) days. Persons employed on a full-year contract but scheduled for less than a full workday shall receive the authorized personal leave days equivalent to their normal working day.

The employee's immediate supervisor must approve the leave date, but no reason shall be required for the leave. The request shall be submitted to the supervisor at least three (3) days prior to the date for which leave is requested.

Personal leave days not taken during the year shall accumulate to five (5) days. Personal leave days in excess of five (5) days will be converted to sick leave days. Upon retirement, accumulated personal days are counted as sick days for purposes of calculating retirement pay.

## **KEDC POLICIES AND BY-LAWS**

### *Fractional Days*

Absence for a fraction of a day that is chargeable to personal leave for non-exempt employees shall be rounded up to two (2)- hour increments and charged in one-fourth (1/4) days.

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

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

Full-time employees, in positions normally requiring at least 185 contract days at eight (8) hours per normal workday or 1480 hours, shall be entitled to ten (10) sick leave days with pay each year. Full-time employees in positions requiring at least 205 days shall be entitled to eleven (11) sick days with pay per year. Full-time employees in positions requiring at least 225 days shall be entitled to twelve (12) sick days with pay per year. Prorata calculations will be made for any employee working less than an eight (8) hour day. Regular part-time employees, in positions normally requiring fewer than 1480 contract hours, but at least 740 hours, shall be entitled to one (1) day sick leave, calculated to the nearest full day, for every 148 hours required for the position.

Persons employed for less than a full-year contract shall receive a prorata part of the authorized sick leave days calculated to the nearest full day.

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. 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.

“Sickness” shall mean personal illness, including illness or temporary disabilities 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 KEDC from a Kentucky school district, Kentucky public college or university, or from the Kentucky Department of Education may transfer verified accumulated sick leave to KEDC at the discretion of the Executive Director.

Upon return to work, an employee claiming sick leave must 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 perform satisfactorily 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. KEDC shall bear the cost of this examination.



## **KEDC POLICIES AND BY-LAWS**

### *Fractional Days*

Absence for a non-exempt employee for a fraction of a day that is chargeable to sick leave, including sick leave used as emergency leave, shall be rounded up to two (2) hour increments and charged in one-fourth (1/4) days.

### *Donation of Sick Leave*

- I. The KEDC Sick Leave Donation Program permits KEDC employees to voluntarily contribute sick leave to KEDC employees who are in need of an extended absence from work. An employee who has accrued more than fifteen (15) days sick leave may request the Executive Director to transfer a designated amount of sick leave to another employee who is authorized to receive the sick leave donated. An employee may not request an amount of sick leave be donated that reduces his/her sick leave balance to fewer than fifteen (15) days.
- II. An employee may receive donations of sick leave if:
  - A. The employee or a member of his/her immediate family suffers from a medically certified illness, injury, 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/her personal or real property, due to either a natural disaster or fire, that either has caused or will likely cause the employee to be absent for at least ten (10) consecutive working days;
  - B. The employee's need for the absence and use of leave are certified by a licensed physician for leave requested under the previous paragraph;
  - C. The employee has exhausted his/her accumulated sick leave, personal leave, and any other leave granted by the Board;
  - D. The employee has scheduled his/her non-contract days to coincide with the absence, allowing up to five non-contract days to be scheduled at a later date; and
  - E. The employee has complied with KEDC policies governing the use of sick leave.
- III. While an employee is on sick leave provided by this section, s/he shall be considered a KEDC employee, and his/her salary, wages, and other employee benefits shall not be affected.
- IV. Any sick leave that remains unused, is not needed by an employee, and will not be needed in the future shall be returned to the employee donating the sick leave.
- V. The Board shall administer the Sick Leave Donation Program under procedures developed by the Executive Director.

## 03.12322 FMLA (Family and Medical Leave)

In accordance with the federal Family Leave and Medical Act of 1993, KEDC provides family leaves of absence without pay to eligible employees who wish to take time off work duties for their own personal illness and to fulfill family obligations relating directly to the birth or illness of a child; the care for a newborn child; the placement of a child for adoption or foster care; or to care for the employee's seriously ill spouse, child or parent. In addition, FML may be requested for the following military related reasons:

1. 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
2. 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 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. KEDC 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 KEDC receipt of a request or KEDC being made aware of a potentially qualifying reason.

NOTE: Only the KEDC human resources professional, leave administrator, or personnel director 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.

- KEDC 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.

## **KEDC POLICIES AND BY-LAWS**

### *Eligibility*

Regular full-time and regular part-time employees are eligible to request family leave if they have been employed by KEDC for at least twelve (12) months directly before the leave would start. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for KEDC during the twelve-month period are to be combined with hours they would have worked for KEDC had they not been called for military service.

Eligible employees may request up to twelve (12) weeks of family leave within any twelve (12)- month period. 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. With the Executive Director's approval, an employee will be required to take any available leave, including sick, personal, and non-contract leave as part of the approved period of leave.

Unless the employee waives medical coverage while on leave, medical coverage provided by the State of Kentucky's health insurance plans through KEDC will continue. The State of Kentucky will continue to make the premium payment while an employee is on FMLA. If the employee makes a contribution to his/her health insurance, then during the leave the employee must continue to make their contribution for medical coverage after the first thirty (30) days of family or medical leave. Failure to make this payment will, after a thirty (30) day grace period, result in the termination of that employee's medical coverage by the State of Kentucky.

KEDC will reinstate the employee, upon his/her return to work, into the health insurance plan with no break in coverage or pre-existing conditions. This is true even if the employee waives coverage or lost coverage during a family or medical leave. KEDC will suspend benefit accruals, such as sick leave or holiday benefits, during unpaid family leave. Benefits accruals resume upon return of the employee to active employment.

When a family leave ends, KEDC will return the employee to the same position, if it is available, or to a similar available position at the same level of pay and benefits provided before the leave period. If an employee fails to report to work promptly at the end of the approved leave period, KEDC will assume that the employee has resigned.

### *Notice*

KEDC shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the main 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.

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A physician's statement shall be required when requesting an unpaid extended disability leave of absence. The statement shall indicate the nature of the illness and 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. Leave shall normally not exceed three (3) months.

The Executive Director may, at his/her discretion, lengthen the period of extended disability leave granted based on the recommendation of the employee's physician and upon the employee's request. A second physician's statement may be required on the request of either the Executive Director or the employee. The cost shall be borne by KEDC.

Employees on extended disability leave shall notify the Executive Director in writing of their intent to return to KEDC on or before the date prescribed. Employees who fail to notify the Executive Director of their return by the date prescribed shall 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 perform satisfactorily 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. KEDC 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 the physician's examination.

The employee shall have the right to a hearing on such an involuntary leave and its renewal or extension.

In compliance with the Family and Medical Leave Act of 1993, medical leave shall be granted in accordance with Board Policy 03.12322.

### **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 KEDC. 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:

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

### **03.1236 Emergency/Crisis Leave**

Full-time employees, in positions normally requiring at least 185 contract days at eight (8) hours per normal workday or 1480 hours, shall be entitled to one (1) emergency leave day with pay each year. Full-time employees in positions requiring at least 205 days shall be entitled to two (2) emergency days with pay per year. Full-time employees in positions requiring at least 225 days shall be entitled to three (3) emergency days with pay per year. In addition, personnel may use three (3) sick leave days per year for emergency leave. At the discretion of the Executive Director, additional sick leave days may be authorized as emergency days to deal with extraordinary circumstances.

Time off that has been scheduled and approved takes precedence over any day deemed as Emergency by the Executive Director. Emergency leave shall be for the following reasons:

- *Bereavement*: - Death of the following relatives: employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, including step-brothers and step-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.
- *Personal disasters* - Disasters of the magnitude of tornadoes, fires, floods, etc. This applies only in cases not covered by sick leave.
- *Hazardous travel conditions*
- *Court appearances* - Appearances as a witness or to produce documents when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See Policy 03.1237.)
- *Urgent matters that require the immediate attention of the employee and cannot be taken care of before or after the employee's working day.*
- Such other reasons of an emergency or extraordinary nature as approved by the Executive Director.

#### *Request for Leave*

Emergency leave must be requested through the Executive Director or designee who will determine if the leave requested meets the Board's criteria.

## **KEDC POLICIES AND BY-LAWS**

### *Affidavit*

Persons taking emergency leave may be asked to file a personal affidavit upon their return to work stating the specific reasons for their absence.

### *Accumulation*

Emergency leave days not taken during the fiscal year shall not accumulate.

### *Fractional Days*

Absence for non-exempt employees for a fraction of a day that is chargeable to sick leave used as emergency leave shall be rounded up to two (2)- hour increments and charged in one-fourth (1/4) days.

### *Crisis*

In the event of natural or man-made disasters, the Executive Director of KEDC/designee may grant crisis leave with pay to KEDC employees. Crisis leave will not deduct from sick days or any other accumulated leave days granted by the Board.

## **03.1237 Jury and Witness 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 employees or a member of their 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 unless by the time the employee returns, his/her shift would be over. Any compensation received as a result of court leave (jury pay or other compensation, except expense monies), shall be reimbursed to KEDC.

Persons who will be absent from work for court leave must give advance notice to their immediate supervisors.

## **03.1238 Military/Disaster Services Leave**

Military leave will be granted to KEDC 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. 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.

## **KEDC POLICIES AND BY-LAWS**

The employee is responsible for notifying his/her immediate supervisor as soon as s/he is notified of an impending military-related absence.

The Board may grant disaster services leave to requesting eligible employees. An “eligible employee” means one who is a certified disaster services volunteer of the American Red Cross. Disaster services leave shall be with pay and shall not exceed thirty (30) work days in any twelve (12)-month period.

### **03.1239 Legislative Leave**

Upon written request, certified personnel shall be granted a leave of absence, without pay, to serve as a member of the legislature. Leave shall be for the period of service.

The Board may require certified personnel to take a leave of absence, without pay, while campaigning for legislative positions.

### **03.124 Insurance**

KEDC shall provide a comprehensive workers’ compensation insurance program at no cost to employees. Employees who get hurt or ill as a result of their work shall immediately inform their immediate supervisor.

Neither KEDC, nor the insurance carrier, will be liable for payment of worker’s compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic activity sponsored by KEDC.

### **03.125 Expense Reimbursement**

The Board shall reimburse KEDC personnel for work-related travel when such travel is a required part of the duties of the employee or for occupational-related activities approved by the Executive Director. The Board will be responsible only for actual and necessary expenses. Itemized receipts must accompany requests for reimbursement.

Allowable expenses include the following:

#### *Mileage*

Actual mileage for travel authorized by the Executive Director shall be reimbursed at a rate approved by the Commonwealth of Kentucky Finance and Administration Cabinet when the employee uses his/her own vehicle.

All KEDC vehicles contain mileage sheets and gas cards. Mileage sheets must be completed each time a vehicle is checked out. *Gasoline/Maintenance*

Emergency and routine maintenance and actual cost of gasoline and oil purchased and placed in a KEDC-owned vehicle by an employee while engaged in KEDC-related travel shall be reimbursed. Individuals purchasing gas using a KEDC gas card MUST turn in a signed receipt to the Business Office upon returning to work. Personal items shall not be charged to a gas card.

## **KEDC POLICIES AND BY-LAWS**

### *Toll and Fees*

Tolls and parking fees incurred in work-related travel also shall be reimbursed. Parking fees must be substantiated by a ticket or receipt. Unless otherwise authorized by the Executive Director, valet parking shall not be reimbursed.

### *Car Rental*

Car rental charges shall be reimbursed when pre-approved by the Executive Director. Charges must be substantiated by a receipt.

### *Common Carriers/Out-of-State Travel*

All charges or fares for necessary travel on common carriers (plane, bus, train, bus, subway, taxi, ferry, etc.) are eligible for reimbursement. Sight-seeing and pleasure tours are not reimbursable.

Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare, plus related expenses, or mileage rate, whichever is the lesser amount, with any exception to be approved by the Executive Director. All receipts for airfare reimbursement must be itemized with the date of travel and exact cost of airline tickets. Itineraries shall not be accepted as the required receipt.

### *Food*

Although monies spent for food while on approved KEDC-related travel may be reimbursed, no reimbursement will be made for alcoholic beverages.

Meal reimbursement for trips *not* requiring an overnight stay shall have tax consequences. Reimbursement for meals that occur during non-overnight travel or when receipts are not provided are taxable and shall be documented on a separate “taxable” travel form. Meal reimbursement for trips requiring an overnight stay shall be documented on a separate “non-taxable” travel form. Any meal reimbursement must be substantiated by an itemized receipt. Tips shall not exceed the State’s recommended rate unless automatically assessed by the hotel, restaurant, or other meal provider. The Executive Director may reject or limit any reimbursement request deemed excessive or inappropriate.

A per diem of \$35 may be submitted in lieu of receipts for staff on overnight trips – each night in a hotel would equal \$35 in reimbursement. For out-of-state conference or training travel, a per diem of \$50 may be submitted.

### *Lodging*

Hotel or motel charges (not including food or other charges) incurred in KEDC-related travel will not be reimbursed if billed directly to KEDC. Signed receipts must be turned in for all direct-bill hotel charges. All personal charges must be paid for upon check-out, including movies and telephone calls. Alcohol shall not be charged to the hotel room.

### *Emergency Repairs to Vehicles*

Reimbursement will be made for emergency repairs of road service to KEDC-owned vehicles. However, drivers may not obligate KEDC for major repairs without the permission of the Executive Director.



## **KEDC POLICIES AND BY-LAWS**

### *Reimbursement Form*

Requests for travel reimbursement will be considered only when filed on the proper form and accompanied by signed, itemized receipts. Reimbursement requests must be submitted within sixty (60) days after travel occurs.

No prepayment will be made to consultants/employees for travel expenses or training. Services must first be rendered before KEDC will issue payment.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse KEDC.

### *Entertainment*

Expenses for personal entertainment not incurred on behalf of KEDC shall not be reimbursed.

### *Expenses of the Executive Director*

KEDC-related expenses incurred by the Executive Director shall be reviewed for approval by the head of the Business Office. Should there be a question as to an expense, the head of the Business Office shall first review the expense with the Executive Director. If any question concerning the expense is unresolved following the review with the Executive Director, the head of the Business Office shall present the question to the KEDC Chairperson, who shall make the final decision.

## **03.132 Supervision**

### *Job Descriptions*

There shall be written job descriptions for all employees of KEDC. Job descriptions shall include qualifications, reporting relationships, performance responsibilities (including physical responsibilities), work year, and salary schedule.

### *Standards of Conduct*

In order to fulfill the mission and goals of KEDC, 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 maintain civility with all with whom they come into contact and shall treat each individual with professional courtesy.
- 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.

## **KEDC POLICIES AND BY-LAWS**

- Employees who fail to observe these standards shall be subject to appropriate disciplinary measures, up to and including dismissal.
- Employees shall cooperate fully with all investigations conducted by KEDC as authorized by policy or law. Failure to comply may be considered insubordination.

### **03.1321 Use of KEDC Property**

#### *Employee Responsibility*

All personnel shall be responsible for KEDC equipment, supplies, publications, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported immediately to an employee's immediate supervisor. Unless otherwise approved by the Executive Director or designee, an employee shall not use KEDC property for personal gain or benefit or to perform outside work.

It is the employee's responsibility to return all equipment, including but not limited to, computers, cell phones, keys, etc. KEDC reserves the right to seek legal action against any employee that does not return KEDC property within one week of employment separation.

Except for a bona fide emergency as determined by the Executive Director or for limited reasonable use, no KEDC employee shall use any building, equipment (including telephones and e-mail system), or other property owned by the Board for personal use for pay or profit, unless otherwise approved by the Executive Director or Board.

Employees may not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy of the information in their e-mail accounts. Authorized KEDC personnel may monitor the use of electronic equipment from time to time.

Unless prior arrangements are made with the Executive Director, any device, publication or any other work product developed during the course and scope of employment with KEDC, whether or not it is to be copyrighted, shall be KEDC property. This requirement shall not apply to work products developed under or as part of a state or federal grant program.

#### *Use of Personal Property in the Workplace*

When the assigned location of employment is changed, the employee must remove personal property in a timely manner. Otherwise, all claims to the property shall be relinquished. KEDC and its insurer will not be liable for personal property that is lost, stolen, or damaged while on KEDC property or in KEDC vehicles, or while performing KEDC duties.

#### *KEDC-owned Vehicles*

KEDC may, at the discretion of the Executive Director, provide a KEDC-owned vehicle to employees whose service to KEDC requires frequent travel within the Commonwealth. KEDC-owned vehicles are for the purpose of providing services and assistance directly to local districts at sites around the Commonwealth.

## **KEDC POLICIES AND BY-LAWS**

KEDC vehicles shall not be used for private purposes other than to commute or for de minimus personal use (such as a stop for a personal errand on the way between a business destination and the employee's home). Only employees who are required to commute for bona fide non-compensatory business reasons may use a KEDC vehicle to commute.

### *Replacement*

KEDC-owned vehicles shall be replaced based on mileage, repair needs, and costs.

### *Maintenance and Insurance*

KEDC shall pay all required maintenance costs of KEDC-owned vehicles, including costs of insurance and applicable taxes.

## **03.13211 Acceptable Use of Technology**

### *Acceptable Use of Technology*

KEDC supports reasonable access to various information technology formats for staff and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner, as required by this policy and related procedures, which apply to all parties who use KEDC technology.

### *Safety Procedures and Guidelines*

The Executive Director/designee shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address supervision of computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other KEDC technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures, which shall apply to all KEDC-owned devices with Internet access or personal devices that are permitted to access the KEDC network shall be implemented that effectively address the following:

- Controlling access to inappropriate matter on the Internet and World Wide Web;
- Safety and security when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minor's access to materials harmful to them.

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A technology protection measure may be disabled by the Executive Director's designee during use by an adult to enable access for bona fide research or other lawful purpose.

Specific expectations for appropriate Internet use shall be communicated through appropriate orientation for staff.

### *Permission/Agreement Form*

A written parental request shall be required prior to a student being granted independent access to electronic media involving KEDC technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Executive Director/designee with a written request.

### *Employee Use*

Employees shall use electronic mail and other KEDC technology resources primarily for purposes directly related to work-related activities.

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Employees may set up blogs and other social networking accounts using KEDC resources and following any KEDC guidelines to promote communications with districts, current and potential clients, and the community concerning KEDC-related activities.

In order for KEDC employees to utilize a social networking site, they shall comply with the following:

1. They shall request prior permission from Executive Director/designee.
2. If permission is granted, staff members will set up the site following any KEDC guidelines developed by the Executive Director's designee.
3. Guidelines may specify whether access to the site must be given to KEDC 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 release of employee and school district/client information under state and federal law.

## **KEDC POLICIES AND BY-LAWS**

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct.

### *Use of Assigned Telecommunication Devices*

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Executive Director. These devices shall include, but are not limited to, pagers and digital or cell phones. A system may be established for monitoring use of the devices primarily for KEDC-related purposes. However, occasional personal use of such equipment is permitted.

While driving a KEDC-owned vehicle or any other vehicle (including rented, leased, borrowed or personally owned vehicle) while conducting company business, employees are required to comply with the following:

- Sending or reading texts or emails, entering data into devices, or viewing television, videos or DVDs while operating a vehicle is prohibited unless the vehicle is parked.
- Employees shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cellular phones.
- Cellular phone calls using hands-free technology while driving is discouraged, but not prohibited. Such calls, if any, should be brief.

### *Disregard of Rules*

Individuals who violate KEDC rules governing the use of KEDC technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to appropriate disciplinary action for violating this policy and acceptable use rules and regulations established by KEDC.

### *Responsibility for Damages*

Individuals shall reimburse KEDC for repair or replacement of KEDC property lost, stolen, damaged, or vandalized while under their care. Staff members who deface a KEDC web site or otherwise make unauthorized changes to a web site shall be subject to appropriate disciplinary action.

### *Audit of Use*

Users with network access shall not utilize KEDC resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Executive Director/designee shall establish a process to determine whether KEDC education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

## **KEDC POLICIES AND BY-LAWS**

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

### *Retention of Records for E-Rate Participants*

Following initial adoption, this policy and documentation of implementation shall be retained for at least ten (10) years after the last day of service in a particular funding year.

## **03.1322 Gifts**

No employee or Board member of KEDC 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 funds are expended.

No employee shall accept, for personal use or consumption, any gifts, perks, or favors from current or potential vendors. This shall include, but not be limited to, meals, tickets, trips, outings or other items of tangible or intangible value. Offers or actual receipt of such shall be reported to or given to the Executive Director who will then bring the matter to the Board for its disposition.

Employees may accept samples offered to all visitors at conference exhibits.

Any gift accepted on behalf of KEDC becomes the property of KEDC to be used in a fair and equitable manner. Disposition of any gift valued at less than \$25 presented to a KEDC employee for KEDC use shall be determined by the Executive Director/designee. Determination of how gifts valued at more than \$25 are to be used shall be made by the Board of Directors.

Unless authorized by the Executive Director, sales representatives, agents, or other solicitors, shall not solicit staff or other employees during the workday.

No KEDC employee shall provide to any outside group or individual a list of students, teachers, or other employees for solicitation or other purposes without prior authorization by the Executive Director/designee. Such release must be in accordance with the Family Education Rights and Privacy Act (FERPA) and the Open Records Act.

Appeals by 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 office hours. At no time shall KEDC equipment be used for political purposes by employees. Any employee engaging in political activity during office hours shall be subject to disciplinary action that could result in termination.

### **03.1325 Disrupting the Workplace**

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

Behavior that disrupts the educational 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 KEDC and KEDC-related activities or KEDC operations.

No employee, employee organization, or any affiliate, including but not limited to, state or national affiliates thereof, may take part in, promote, or assist in a strike against KEDC.

The Board may, in any action of law, suit in equity, or other proper proceedings, take action against any employee organization, any affiliate thereof, or any person aiding or abetting in a strike, for redress of such unlawful act.

KEDC will not pay salary, wage, or related fringe benefits to or on behalf of any employee for any day when the employee fails as a result of a strike to report for work as required by his/her contract.

Neither an employee organization, its officers, its agents, its members, nor any employee may assist, engage, or take part in, or cause, induce, or encourage any strikes, sanctions, slowdowns, sick-ins, picketing or refusal to cross picket lines, boycotts, interruptions of work, other public demonstration, or any concerned effort that interferes with, impedes, or impairs the normal operation of KEDC.

Violation by an employee of any or all of the above conditions allows the Board, at its sole determination, to take such disciplinary action as it may decide, up to and including dismissal of the employee.

## **03.13251 Use of Alcohol and Drugs**

### *Prohibitions*

Employees must 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 in the performance of 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 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.

Any employee who violates the terms of this policy may be suspended or terminated. In addition, violations may result in notification of appropriate legal officials.

As an alternative, the Executive Director may choose that an employee who violates the terms of the KEDC drug-free/alcohol-free workplace policies shall satisfactorily participate in a KEDC-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended or terminated.

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Executive Director.

Employees who personally use a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

## **03.1326 Dress and Appearance**

Employees shall dress appropriately and professionally according to their assigned position and related job description. Immediate supervisors shall address with those employees under their supervision any issues concerning inappropriate dress. Consideration should be given for the type of work being performed.

Although additional guidance is available from the immediate supervisor, general guidelines for administering this code are as follows:

1. Shorts are inappropriate work attire, except in the following circumstances:
  - a. Actual performance of duties where appropriate dress would include shorts of a modest length and tightness.



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- b. Working conditions where temperatures are sufficiently high to warrant shorts of a modest length and tightness.
2. Clothing should be of a reasonable fit such that it is not overly tight or loose-fitting.
3. Shirts, blouses, or tops should be of sufficient fit to cover most of the shoulder and chest/back as well as cover the abdomen.
4. Clothing should be reasonably nontransparent.
5. Clothing should model an appropriate level of professionalism. Items such as jogging suits, warm-up suits, bib overalls, or jeans are examples of clothing that may not be appropriate dress for KEDC staff depending on the type of work being performed and/or the setting or occasion.
6. Shoes of appropriate type and in good repair are required

Employees whose appearance is determined to be inappropriate will be directed to leave and return in proper attire. However, KEDC shall not pay them for the time required to do so.

### **03.1327 Tobacco, Alternative Nicotine Product, or Vapor Product Use**

The use of any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 inside KEDC offices is prohibited, including offices, stairwells, elevators, hallways, classrooms, restrooms, reception areas, conference rooms, break/lounge areas, and in KEDC vehicles.

### **03.1331 Outside Activities**

Employees may hold outside jobs provided they meet performance standards of their job with KEDC. Should the Executive Director determine that an employee's outside work is interfering with job-related performance or the ability to meet requirements of the job, the Executive Director shall notify the employee.

#### *Services to Other Agencies and Organizations*

Employees shall not participate as a speaker or facilitator in their capacity as a KEDC employee or representative at a convention, workshop, or other program sponsored by another agency or organization without notification to the Executive Director. Notification shall be provided as soon as possible.

Employees shall not accept honoraria or other compensation above and beyond the salary paid by KEDC from other agencies or organizations with which KEDC works in the educational arena without prior permission of the Executive Director. Such groups would include, but not be limited to, the Kentucky Department of Education, KEA, KASA, regional cooperatives and local Kentucky school districts. In the event the employee receives permission to accept compensation from such groups, the employee shall:

## **KEDC POLICIES AND BY-LAWS**

- Perform services for such other agency or organization on his/her personal time at no monetary cost to KEDC, and at no detriment to his/her own performance for KEDC, taking leave as appropriate;
- Not be considered to be an employee of KEDC (for any purpose) during the time that the employee is preparing for, traveling to and from the performance of and performing services for such other agency or organization; and
- Disclaim that s/he represents KEDC 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 KEDC 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 KEDC 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 related information, refer to Policy 03.1721.

## **03.1332 Hours of Duty**

### *Standard Office Workday*

The standard office work day shall be eight (8) hours with no more than a one (1) paid lunch hour, and the regular work week shall be forty (40) hours. Exempt employees are expected to be available for work in addition to the regular work week of forty (40) hours, when required. Exempt employees may work remotely at the discretion of the Executive Director.

Unless the immediate supervisor grants a specific exception in writing, full-time KEDC employees stationed at the main offices in Ashland and Lexington shall maintain an 8:00 a.m. to 4:00 p.m. Eastern Time workday. Employees must notify their immediate supervisors when they will be tardy for, or absent from, any part of the work day.

Flexible time in scheduling individual work hours may be requested in writing from the immediate supervisor.

Employees are entitled to two (2) paid fifteen (15) minute breaks daily, one (1) in the morning and one (1) in the afternoon. Preparation or consumption of meals is to be completed during the lunch or break times or before the start of the work day.

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### *Work Year*

The employment year for all employees shall commence on July 1. Salaries and related benefits will be prorated for the first year and last year of employment.

Program directors may require staff to submit a monthly calendar of work performed that shows actual dates and locations of work.

### *Timekeeping*

In keeping with state and federal laws requiring KEDC to maintain accurate records of time worked, all non-exempt employees shall record the time they begin and end their work, as well as the beginning and ending time of each meal period. Early departure from work must also be noted. Exempt employees shall record the contract days worked, non-contract days, sick, personal, or emergency leave days, and holidays on a time sheet and/or in the ESS System.

Employees shall sign his/her time record to certify the accuracy of all time recorded and/or may validate entries in the ESS System. The supervisor will then review and initial the time record before submitting it for payroll processing.

## **03.14 Health and Safety**

In order to create a safe and healthful working environment, KEDC may establish a workplace safety program to be implemented by the Executive Director. 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 healthful working 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, regardless of how minor and report the injury to the supervisor as soon as possible;
- Report unsafe conditions, equipment or practices to supervisory personnel; 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.

For information on the KEDC Hazard Communication Plan and Bloodborne Pathogen Control Plan, contact the immediate supervisor.

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.

## **03.15 Confidentiality of Records**

### *Student Records*

Data and information concerning students shall be collected to provide a sound basis for educational decisions and to enable KEDC program staff to prepare necessary reports. The Executive Director shall establish procedures for confidentiality and information access in compliance with the Family and Education Rights and Privacy Act.

Student information shall be made available to the parent or eligible student on request. Eligible students include those eighteen (18) years of age or older or those duly enrolled in a post-secondary school program. Parents or eligible students shall be provided a copy of records on written request. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws. Such copies shall be provided in a manner that protects the confidentiality of other students.

On written request to the Executive Director, the parent or eligible student shall be granted a hearing regarding the contents of the record. 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 of eligible student will be informed of the right to enter in the record a comment or exception to the written record.

No individual or agencies 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 KEDC or member school districts who have been determined by the Executive Director to have a legitimate educational interest;
- Officials of a school, school district, or institution of postsecondary education in which the student enrolls or plans to enroll, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- 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 purpose, provided 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 Executive Director.

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Personally identifiable student information may be released to those other than employees who are designated by the Executive Director 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 C.F.R. Part 99.35.

KEDC personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records. Employees may only access student record information in which they have a legitimate educational interest.

A list of all individuals or agencies who request access to the record, whether or not access 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 KEDC to a similar program operated by another agency, a reasonable attempt shall be made by the Executive Director to notify the parent or eligible student.

### *Duty to Report*

If it is determined that KEDC cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the Executive Director/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.

### *Personnel Information*

Personnel files, including information maintained in electronic format, are the property of KEDC. Only those employees authorized by the Executive Director shall have access to personnel files. Those employees shall be so designated, due to their job responsibilities, as having a legitimate reason to have access. Personnel files shall be under the custody of the Executive Director. Files may be inspected by the employee on reasonable notice, but only in the KEDC office and in the presence of the individual designated by the Executive Director.

It is the responsibility of each employee to promptly notify KEDC of any change in personnel data, including, but not limited to: mailing address, telephone number, number and names of dependents, emergency contacts, and certification changes. Failure to report revised personnel data in a timely manner may adversely impact employee pay and benefits.

### *Requests for References*

Provided a current or former employee provides a written authorization and release, KEDC will provide a written response to reference inquiries made in writing by a potential employer. The response shall be limited to confirming dates of employment, wage rates, and positions(s) held.

## **03.16 Grievances/Communications**

### *Lines of Communication*

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

Grievances/communications are individual in nature and must be brought by the individual employee. KEDC 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, hours or 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 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 procedure is exhausted.

### *Procedures*

Failure to file a grievance in accordance with procedure will result in forfeiture of the employee's rights 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 the condition occurred, unless the condition is continuous, in which case the grievance may be filed any time during which the condition 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 condition, unless the supervisor is the subject of the grievance.

## **03.161 Due Process**

All employees shall receive due process whenever disciplinary action is taken against them.

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

## **KEDC POLICIES AND BY-LAWS**

1. The right to know the specific reason(s) for the disciplinary action;
2. Except for a verbal reprimand, 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 these policies and procedures);
3. A prompt decision rendered in writing;
4. Redress for KEDC 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 Board of Directors may review the merits of the case.

### **03.162 Harassment/Discrimination**

#### *Definition*

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, 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 KEDC property and off KEDC grounds during KEDC-sponsored activities. This prohibition also applies to visitors to KEDC 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 the opposite sex.)

KEDC 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, but not limited to, termination of employment.

## **KEDC POLICIES AND BY-LAWS**

### *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. The Executive Director is the person responsible for receiving reports of harassment/discrimination at the building level. Complaints or 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 158.156.

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 three (3) working days from submission of the original written complaint, regardless of the manner in which the complaint is communicated to the Executive 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 handbooks, 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; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.



## **KEDC POLICIES AND BY-LAWS**

### *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*

KEDC 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 a higher level of authority, including to the Chairperson 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.

## **KEDC POLICIES AND BY-LAWS**

### *Retaliation Prohibited*

No one shall retaliate against an employee 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 against retaliation.

### *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/Resignation**

Any employee who violates a KEDC rule or regulation, policy, procedure, and standard of employee conduct and behavior may be subject to disciplinary action. Disciplinary action 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, to include, but not be limited to:

- Verbal warning or reprimand by Executive Director
- Written warning or reprimand by Executive Director
- Probation imposed by Executive Director
- Reassignment (temporary or permanent) by Executive Director
- Suspension with pay by Executive Director
- Suspension without pay by Executive Director
- Non-renewal by Executive Director
- Dismissal (termination) by Executive Director

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

## **KEDC POLICIES AND BY-LAWS**

An employee shall be suspended with pay only when the Executive Director determines there is a justifiable safety need or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to determine whether the employee is to return to active service or face disciplinary action. Employees suspended with pay shall remain available for immediate recall to active service.

The Executive Director shall see that documentation to support the grounds for suspension with pay is provided to the employee and retained on file at KEDC.

### *Causes for Personnel Action*

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, incompetence, inefficiency or insubordination.
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 KEDC property.
4. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
5. Unexcused absence, tardiness, absence without notification or abuse of sick leave.
6. Violation of or refusal to obey KEDC policies or state regulations adopted by the Kentucky Board of Education or by the Board.
7. Falsifying information supplied to KEDC including information on application forms, absence 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 KEDC 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 or other unprofessional conduct.
9. Loss of licensure or certification required for the assigned position.
10. Behavior that poses a threat to the operation of KEDC or to the safety and well-being of the individual or others or to property.
11. Unauthorized use or misuse, stealing, or unauthorized removal of KEDC, agency or government property or records.
12. Use of corporal punishment as a disciplinary measure with a child in the care of KEDC.

## **KEDC POLICIES AND BY-LAWS**

13. Failure to maintain the confidentiality of information regarding students, program participants, or employees of the agency, unless disclosure serves a legitimate job-related purpose or is required by law.
14. 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.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.

### *Resignation*

All employees are expected to give written notice of their intent to resign or retire. Such notice should be delivered to the immediate supervisor or Executive Director in advance of the date of resignation or retirement as follows:

Certified and Professional staff – thirty (30) days

Clerical, non-professional, technical, and maintenance staff – two (2) weeks

Failure to give the required notice may result in forfeiture of KEDC paid benefits and ineligibility for re-employment.

## **03.171 Non-renewal/Staff Reduction**

Due to a decrease in, loss of, or uncertainty about funding, the Board, through the budgeting process, shall have full authority to reduce the number of employees. The Executive Director may provide written notice to an employee that his/her contract will not be renewed. Upon written request by the employee, the Executive Director shall provide a written statement containing the grounds upon which non-renewal of the contract is based.

Employees who believe that they have grounds to contest a decision to non-renew or reduce staff may use the grievance process.

Non-renewal of contracts, or staff reduction, of those employees who are hired pursuant to and as a direct result of an agreement with an outside agency shall occur upon termination of the agreement between KEDC and the agency under which the employees were hired.

### **03.1721 Conflict of Interest**

Employees of KEDC may serve as consultants to outside agencies, public and/or private, provided consultant work does not interfere with the employee's KEDC 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 KEDC; or activities that would not be in the best interest of KEDC. 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 immediately personnel upon receipt of information that s/he believes justifies reinstatement or upon the reinstatement of an agreement with the outside agency under which 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**

#### *Definition*

Retirement means full retirement from the Teachers' Retirement System (TRS) after completing at least twenty-seven (27) or more years of active Kentucky service regardless of age or members with five (5) or more years of active Kentucky service who are at least age sixty (60). Employees who participate in the County Employees Retirement System (CERS) will receive full retirement at any age with 27 years of service or at age 65. Retirement also means 'approved' disability retirement no matter the number of years of service or age.

#### *Qualification*

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 workweek as specified by CERS are required to participate in the CERS.

#### *Notice*

Persons retiring should give the Executive Director notice as far in advance as possible, but not less than two (2) weeks prior to retirement for non-exempt staff and not less than thirty (30) days for exempt 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.

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### *Unused Sick Days*

Unless otherwise approved by the Board of Directors and/or the Executive Director, qualified employees shall be compensated upon initial full retirement or disability retirement for each unused personal leave and sick leave day at the rate of 30% of the daily salary for the employee. This calculation is based on the employee's last annual salary. Five (5) years of consecutive employment with KEDC qualifies an employee to receive payment for unused personal and sick leave, unless otherwise approved by the Board of Directors and/or the Executive Director. KEDC participates in the Alternative Sick Leave Plan for CERS.

### *Escrow Account & Eligibility*

In compensating employees for unused sick leave, the Board has created an escrow account to maintain the funds necessary to reimburse employees who qualify for the benefit. To fund the escrow account each fund or project will contribute a percentage of salaries processed through KEDC payroll system. The percentage will be set and reviewed as needed by the Board.

## **03.18 Evaluation of Staff**

The Executive Director shall have the responsibility for the evaluation of KEDC 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.

Although supervisors and employees should discuss job performance and goals on an informal, day-to-day basis, employees under a corrective action plan shall be formally evaluated annually. The procedures for such evaluations shall be established and implemented by the Executive Director. Evaluations, along with any response materials an individual employee wishes to submit, are confidential and will become a part of the employee's permanent record.

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.

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The evaluation shall be discussed with each employee after input from his/her supervisor. In addition, the employee and supervisor will develop a professional growth plan or, in the case of an unsatisfactory evaluation, will develop a corrective action plan. The employee will be asked to sign the evaluation indicating the evaluation has been discussed with the employee not implying agreement or disagreement with the evaluation. In the event an employee disagrees with the evaluation, s/he may submit a letter to the supervisor within ten (10) days stating the reason(s) for the disagreement. If an employee believes that the evaluation procedures established and implemented by the Executive Director have not been followed, the employee may submit an appeal, of the procedural issue only, to a three (3)-member appeal panel elected from the full time staff of KEDC.

The evaluation shall form the basis for decision of the Executive Director regarding the individual's continued employment with KEDC.

### **03.19 Professional Development**

Professional meetings include, but are not limited to: professional development, workshops, attendance at clinics and conferences, and attendance at state, regional, and national conventions.

The Executive Director may authorize attendance of employees at professional meetings or activities, without pay reductions, provided that such attendance would promote the educational purposes of KEDC. Employees shall submit their requests in writing.

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 Director.

#### *Tuition Reimbursement*

For KEDC to be successful, each employee must obtain and maintain the necessary skills and educational background to function in his/her individual position. KEDC will support employee efforts to improve skills and educational level by offering reimbursement for educational expenses in accordance with the following policy:

KEDC will reimburse full-time employees of KEDC for tuition, books, and expenses for one (1) class or workshop per term. The class or workshop must be job-related, of benefit to KEDC, and approved in advance by the employee's supervisor and the Executive Director. Unless an exception is permitted by grant requirements, funds for the reimbursement must be allocated from the project(s) from which the employee is paid.

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The employee will receive reimbursement at the beginning of the term upon showing receipt of payment. Any employee taking a class will be required to return to KEDC all amounts received for tuition, books, and expenses if s/he fails to complete the course with a minimum of a “C” grade on a 4.0 scale. Workshops will require a certificate of successful completion.

Employees who have been granted tuition reimbursement shall continue employment with KEDC for a minimum of two (2) calendar years from the date of reimbursement. Unless otherwise authorized by the Executive Director, when an employee leaves employment before the completion of the two (2) year period, the amount of tuition reimbursement shall be withheld from the final salary payment(s).

### **03.20 Wellness Program**

The Executive Director encourages health and wellness for staff and will initiate a wellness program to reimburse employees for health membership and/or classes.



## **Fiscal Management**

### **04.2 Depositories**

#### *Designation*

All KEDC funds shall be deposited in local banks or such other financial institutions that offer high yields and guaranteed safety of deposits. Depositories shall be accessible, capable of handling investment funds, and be able to provide those services needed by the Board in the operation of KEDC.

The Board may designate up to two (2) depositories for a period not to exceed two (2) years and may issue an invitation to bid banking services prior to selection of depositories.

Written agreement(s) with the depository(ies) shall designate types of interest-bearing accounts available and how the rate(s) of interest on deposits will be determined.

Investments of up to \$100,000 may be made with other depositories in order to obtain superior interest rates and will be reported to the KEDC Board at its next regular meeting.

#### *Collateral*

In accordance with KRS 41.240 and Kentucky Board of Education administrative regulations, each depository selected shall, before entering upon its duties, provide collateral to be approved by the Board and by the Commissioner of Education.

### **04.31 Authority to Encumber Funds/Use of Credit Cards**

#### *Approval*

Any agreement to purchase or obtain goods or services, including professional legal and consulting services, that makes KEDC liable for expenditures shall require prior approval of the Executive Director or designee.

## **KEDC POLICIES AND BY-LAWS**

### *Use of Credit Cards*

Only the Executive Director may obtain corporate credit cards for use by KEDC employees. On recommendation of the Treasurer, cards shall be selected that offer KEDC the best terms and conditions.

Use of a gasoline credit card shall be limited to purchasing gasoline, oil, and emergency related supplies for KEDC-owned vehicles.

The Treasurer shall process the prompt payment of all authorized credit card charges to avoid any payment of interest and/or penalties.

KEDC shall not be responsible for expenditures not properly authorized and not made according to the purchasing procedures developed by the Executive Director or designee.

Employees shall report immediately any credit card that is lost. The Executive Director shall hold employees accountable for expenses incurred from unauthorized or non-business related use of a KEDC corporate or gasoline credit card, including any interest or penalties charged by the credit card company. An example of prohibited use would be use of a KEDC gasoline credit card to purchase gasoline for private vehicles.

In addition to holding an employee responsible for costs incurred, the Executive Director shall take appropriate disciplinary action in accordance with Board policies.

## **04.311 Fiscal Accounting and Reporting**

The Executive Director shall be responsible for the manner in which accounts are kept and preserved, for the business affairs of KEDC, and for the maintenance of all financial records required by law. Financial records shall not be deleted or otherwise destroyed without prior written authorization of the Executive Director.

### **04.3111 Issuance of Checks**

At each regular meeting, the Executive Director shall present to the Board for its approval a complete list of unpaid and pre-paid claims. In lieu of presentation at the meeting, the list may be delivered in advance of the meeting by email of a file or email of an internet link for download of the file. Following due consideration and approval, the list shall be signed by the Secretary and Chairperson of the Board.

Under the following conditions, the Treasurer is authorized to issue checks on the depository bank for all legal claims:

1. The Treasurer and co-signer will be authorized to pre-pay all claims; and
2. The Board shall give subsequent approval for all disbursements made between Board meetings.

## **04.312 Charitable Fund-Raising**

In accordance with applicable laws and regulations, the Board authorizes the Executive Director to develop and implement a charitable fund-raising program to benefit Kentucky school districts, classroom and student activities and, as appropriate, the community. The funds raised may be expended for the charitable purpose intended when donated to the extent permissible by law and the policies of the KEDC Board.

## **04.32 Contracts, Procurement and Purchasing**

### *Model Procurement*

The KEDC Board of Directors adopts the provisions of KRS 45A.345 through KRS 45A.460. Bidding and purchasing procedures shall conform to KRS 45A.345 through 45A.460 – the Model Procurement Code. The Executive Director is authorized to negotiate and approve hotel, meeting space, consulting, services, equipment and material purchases or installation, insurance, and other routine contracts and purchases for which funds are available in a Board approved budget. When bidding is required, the Executive Director is authorized to advertise for and approve or reject bids and waive informalities on a best evaluated bid basis to obtain a bid contract for the desired product or service. The Executive Director may determine the procedures for the purchase of perishables, items for resale, and items necessitated by an emergency without competitive bidding.

Purchase of perishable items on behalf of school districts receiving school nutrition service funds shall be accomplished consistent with methods authorized by federal regulation (7 C.F.R. §3016.36).

Public notice to bid may include posting on the Internet. Electronic bid opening and posting of bids on the Internet for public viewing shall satisfy the requirements for public bid opening. The Executive Director will reserve the right to reject any and all bids. Any contracts approved are to be reported at the next regular KEDC Board meeting and submitted for counter-signature by the Board Chairperson.

### *Collective Bidding and Procurement Services*

As a benefit to the KEDC member districts, the Executive Director is authorized to offer bidding, purchasing, and/or technology services doing business as KPC as a collaborative effort with other Kentucky educational cooperatives. To the extent allowed by law, these services may be offered nationwide to public and private schools, non-school district public agencies such as cities and counties, other public purchasing units, and to any not-for-profit organization operating as a tax-exempt entity (must be able to provide a tax exempt certificate). Branding other than KPC may be used as deemed appropriate by the Executive Director.

## **KEDC POLICIES AND BY-LAWS**

To facilitate these services, the Executive Director is authorized to collect from districts and/or vendors administrative fees ranging from 1% to 10% depending on the amount of staff support required and any other costs associated with completing the bidding or procurement process. Whenever possible vendors will be asked to pay these fees in consideration for cost savings they yield from working through KEDC. The Executive Director may negotiate for administrative fees collected from vendors or districts to be shared with other coops or organizations.

Competitive bidding or competitive negotiation for goods and leases may include use of a reverse auction, which is to be conducted as provided in KRS 45A.365 (competitive sealed bidding) or KRS 45A.370 (competitive negotiation).

The Executive Director is also authorized to determine procedures to prequalify, suspend, debar, or reinstate prospective bidders as well as determine definitions and classes of contractual services. The Executive Director is authorized to modify, suspend, transfer, assign, terminate (cancel), renew (extend) and/or solicit and accept any and all Prime or Preferred Vendor Core Item Bids, Catalog/Price List/Store Shelf Discount Bids for the various bid item categories in accordance with the currently approved model bid specifications. The Executive Director is authorized to determine the procedures and write specifications for partial, progressive, extendable, multi-year and multiple award bids and modify model bid specifications as needed for changes in laws or regulations, to meet the needs of the collective bidding program, or to meet specific requirements of a bid category. The Executive Director will report any collective bidding actions taken on behalf of the KEDC Board of Directors at the next regular KEDC Board meeting.

### *Ethical Standards*

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

### *Preference for Resident Bidders*

For all contracts funded in whole or in part by KEDC, the Executive Director shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.

### *School Nutrition Procurement*

In all applicable cases, food, food products, supplies, and equipment purchased on behalf of district school food nutrition programs shall be procured in a manner that provides full and open competition consistent with the standards in applicable federal regulations.

*Federal Awards/Conflict of Interest*

No employee, officer, or agent of KEDC 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 KEDC 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.

**04.4 Bonding of Employees and Officers**

Each year the Board shall provide a blanket fidelity bond covering all employees at an amount specified by the Board.

The Treasurer shall be bonded in an amount to equal or exceed the average monthly expenditures.

**04.8 Disposal of KEDC Property**

The Executive Director shall determine when certain properties are no longer needed for KEDC purposes and, at such time as is deemed proper and in compliance with applicable state regulation, authorize disposal through trade-in, internet auction (such as eBay), sealed bid or direct sale based on fair market value or disposal of property with no resale value by scrapping on site. The Executive Director will reserve the right to reject any and all bids. Any such property disposals are to be reported at the next regular KEDC Board meeting.

**04.9 Audits**

All accounts and records of the Board shall be subject to regular audit by the Kentucky Auditor of Public Accounts as provided by law for interlocal cooperatives.

The Board shall see that actions are taken to respond to significant deficiencies and material weaknesses identified in the audit report.

## Section

# 5

## **KEDC Facilities**

### **05.3 Use of Facilities**

#### *Political Candidates*

The facilities of KEDC shall not be available to candidates for statewide partisan political races. The equipment and materials of KEDC, including mailing lists, shall not be available to candidates for statewide partisan political races, unless otherwise required by the Open Records Act.

This policy shall not prohibit the use of KEDC facilities to determine the position of candidates on educational issues or the use of KEDC equipment and supplies to inform its membership of those positions and issues.

#### *Other Groups*

Educational and governmental groups may be allowed to use the KEDC conference and meeting rooms at no cost. Groups may be assessed a fee for meeting room use to cover setup, cleanup and refreshment expenses.

#### *Executive Director Decides*

The Executive Director has the authority to determine the appropriate use of the building. In cases of unusual or extreme circumstances, the Executive Director would consult with the Chairperson.

### **05.48 Weapons**

#### *Prohibitions/Restrictions*

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

## KEDC POLICIES AND BY-LAWS

### 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, 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).

School Resource Officers (SROs) as provided in KRS 158.4414, and law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020, are authorized to bring weapons onto KEDC property in performance of their duties.

#### *Concealed Weapons*

Except for authorized law enforcement officials, no person may carry concealed weapons in the building, 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 KEDC property, provided the weapon is not removed from the vehicle without the Executive Director's authorization and the unoccupied vehicle remains locked during the workday.

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.

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 KEDC Information**

### **06.33 Emergency Closings**

The Executive Director of KEDC/designee may close any KEDC office at his discretion to protect the safety of employees or as otherwise deemed in the best interest of KEDC.

### **06.34 Open Records Notice**

#### **NOTICE**

#### **RULES AND REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE KENTUCKY EDUCATIONAL DEVELOPMENT CORPORATION (KEDC)**

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 KEDC'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 KEDC Office.

The principal office is located at 904 Rose Road, Ashland, KY 41102-7104.

The official custodian/designee to whom requests for access to records should be submitted is Chief Executive Officer of the Kentucky Educational Development Cooperative, and email address is [nancy.hutchinson@kedc.org](mailto:nancy.hutchinson@kedc.org).

Fees for hard copies shall be 10 cents a page. Fees for other media (if applicable) shall be based on actual cost to KEDC.



## **KEDC POLICIES AND BY-LAWS**

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 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 KEDC is due within five (5) days (not including weekends or holidays) of receipt of the request. If records are in active use or storage or otherwise unavailable, KEDC'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 KEDC 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 KEDC'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 KEDC stating the commercial purpose for which the records shall be used and shall be required to enter into a contract with KEDC. The contract shall state the fee required by KEDC 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.

### **06.35 Visitors to the Workplace**

Professional educators and others who have legitimate interests are encouraged to visit KEDC. All visitors to KEDC must report immediately to the main office upon entering the premises and identify themselves, as well as declare their purposes for visiting.

Professional educators and citizens who wish to observe KEDC in operation are welcome. Arrangements for such visits must be made in advance with the Executive Director/designee.

All visitors must conduct themselves so as not to interfere with the daily operations of KEDC.

Employees shall not bring guests or visitors to KEDC without permission from the Executive Director/designee. Visitation time should take place during lunch or break periods to avoid interference with job responsibilities.

## **KEDC POLICIES AND BY-LAWS**

Visitors shall not smoke in the KEDC office.

### *Accommodation*

Visitors to KEDC who have disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the Executive Director/designee for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

- Effective communication
- Event ticket sales accommodation
- Companion seating at events
- Use of power driven mobility devices
- Use of service animals

## **By-Laws**

### KENTUCKY EDUCATIONAL DEVELOPMENT CORPORATION

#### **ARTICLE I**

##### NAME

This organization shall be known as the KENTUCKY EDUCATIONAL DEVELOPMENT CORPORATION (KEDC).

#### **ARTICLE II**

##### PURPOSES AND OBJECTIVES

The purpose, objective, and business of this organization shall be to advance the educational standards of all children in the Commonwealth of Kentucky.

This organization is organized for exclusive charitable and educational purposes.

This Corporation shall have the power to handle funds from both public and private sources in order to carry out the purposes and objectives of the organization.

#### **ARTICLE III**

##### MEMBERSHIP

A representative of each duly constituted school district recognized by the Kentucky Department of Education may be a voting member by meeting the requirements of this organization. Membership and the requirements for membership of voting members shall be approved by the Board of Directors.

A representative of each duly constituted public or private college or university recognized by the Kentucky Council on Postsecondary Education may be a non-voting member by meeting the requirements of this organization. Membership and the requirements for membership of non-voting members shall be approved by the Board of Directors.

To be considered for membership, a district shall agree to financial support of the organization with an amount of monies or in-kind contributions for that district to be determined by the Board of Directors. The school districts committing this amount shall receive all the benefits offered by the Corporation as determined by the Board of Directors.

Any member desiring to discontinue participation may terminate his/her participation by providing written notification to the Executive Director of KEDC not less than thirty (30) days before June 30 of any year.

**KEDC POLICIES AND BY-LAWS**

**ARTICLE IV**

**BOARD OF DIRECTORS**

Every Superintendent whose school system has met the requirements for membership in the Kentucky Educational Development Corporation shall be a member of the Board of Directors with voting powers.

The President of each member college or university or his/her designee whose organization has met the requirements for non-voting membership in the Kentucky Educational Development Corporation shall be a member of the Board of Directors without voting powers.

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

Ex-officio (non-voting) members may be appointed by the Chairperson subject to approval by the Board of Directors.

**ARTICLE V**

**OFFICERS**

Elected officers of KEDC shall be the Chairperson and Chairperson-Elect.

In the event that a duly elected officer cannot fulfill a term, the Nominating Committee will start to process recommendations for the remainder of the fiscal year.

**ARTICLE VI**

**STAFF**

**EXECUTIVE DIRECTOR**

The Board of Directors shall select an Executive Director of KEDC who will be the Executive Agent of the Board but shall not be a member of the Board.

**TREASURER**

The Executive Director of KEDC will be designated as the bonded treasurer of the Board of Directors.

**CO-SIGNER**

The Board of Directors, upon recommendation from the Executive Committee, shall appoint a person to co-sign checks with the Executive Director.

**SECRETARY TO THE BOARD**

## **KEDC POLICIES AND BY-LAWS**

The Executive Director will appoint a Secretary who is not a member of the Board to keep minutes, records and documents of the Board and to perform other duties as specified by the Board.

### **ARTICLE VII**

#### **MEETINGS**

The Board of Directors shall meet in regular session eight (8) months of the fiscal year. Regular monthly meetings shall not be held during the months of August, December, and May, and June due to Board Member responsibilities in the local district.

### **ARTICLE VIII**

#### **COMMITTEES/EXECUTIVE COMMITTEE**

The Executive Committee shall be responsible for reviewing the internal and long-term management matters of the organization for recommendation to the full Board of Directors. Executive Committee membership shall consist of the Past Chairperson, the Chairperson, the Chairperson-Elect and eight (8) other members of the Board of Directors, four (4) of which shall be appointed by the Chairperson at the beginning of each fiscal year (or at other times as necessary to fill vacancies) to serve two (2) year staggered terms. Members, who have served a complete term on the committee, excluding a term served as Chairperson or Chairperson-Elect, shall not be eligible for reappointment to the Committee for a period of two (2) years. The Chairperson -Elect shall serve as Chairperson of the Executive Committee.

#### **OTHER STANDING COMMITTEES**

The following standing committees shall be appointed by the Chairperson:

**NOMINATING COMMITTEE** – Responsible to recommend to the full Board the annual slate of officers of the organization as outlined in these by-laws. The Nominating Committee will report to the April meeting of the full Board of Directors.

**BY-LAWS COMMITTEE** – Responsible to recommend to the full Board of Directors the amendments necessary to the by-laws. This Committee will report to the Board, when requested by the Chairperson or a majority of the Board of Directors.

**MISCELLANEOUS COMMITTEES** – Different standing or temporary committees may be appointed by the Chairperson. These various committees will advise the Chairperson and full Board on any project under consideration.

**OPERATIONAL COMMITTEES** – The Executive Director will have authority to solicit school district personnel or appoint various committees that will advise on the operating or proposed programs offered through the Kentucky Educational Development Corporation.

**KEDC POLICIES AND BY-LAWS**

**ARTICLE IX**

PARLIAMENTARY PROCEDURE

Robert's Rules of Order are hereby adopted as the parliamentary rules of all business sessions of the Kentucky Educational Development Corporation.

**ARTICLE X**

BUSINESS AFFAIRS

The Board of Directors shall have general oversight responsibility for the receipts, disbursements, and accountability of any funds for the operation of the Corporation.

**ARTICLE XI**

AMENDMENT OF BY-LAWS

Amendments to the by-laws may be proposed in writing by any member of the organization. After review from the by-laws Committee, the proposal shall be presented at the next regular meeting of the Board of Directors. Official action on the proposal will be held one (1) month after the initial proposal is presented to the full Board.

A favorable vote from two-thirds (2/3) of the Board quorum present will be necessary to amend the by-laws. Sufficient notification should be given to all Board Members with a copy of the recommended changes outlined.

Should no amendments be presented in any fiscal year, the by-laws committee shall give an annual report on their assessment of the current status of the by-laws.

**ARTICLE XII**

JOINT PROPERTY

All personal and real property acquired under the Eastern Kentucky Educational Development Corporation or the Kentucky Educational Development Corporation shall be considered the joint property of all participating districts and shall be held in trust by the members of the Board of Directors providing proper declaration and explanation of the trust in the deed instrument.

Upon dissolution of the Corporation, each participating district will receive its proportionate share of real and personal property in accordance with the districts proportionate segment made to the securing of the property.

If a school district withdraws from participation in the organization, that school district shall forfeit all claims to any share of the real and personal property in the event of future dissolution of the Kentucky Educational Development Corporation.

# Acknowledgement Form

<b>Policies &amp; By-Law Handbook 2021-2022</b>
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I, \_\_\_\_\_, have received a copy of the *Policies and*  
*Employee Name*

*By-Law Handbook* issued by KEDC and understand and agree that I am to review this handbook in detail and with my immediate supervisor if I have any questions concerning its contents.

I understand and agree:

1. that this handbook is intended as a compilation of KEDC by-laws and policies and that it is not intended to create any sort of contract between KEDC and any one or all of its employees;
2. that I have entered into my employment relationship with KEDC voluntarily and acknowledge that there is not specified length of employment beyond the terms of my current contract;
3. that criminal activity including but not limited to, fraud, embezzlement, or other unlawful behavior can result in immediate termination;
4. that the Board of Directors may modify any or all of these by-laws and policies, in whole or in part, at any time, with or without prior notice; and
5. that in the event KEDC modifies any of the by-laws and policies contained in this handbook, the changes will become binding on me immediately upon issuance of the new by-law or policy by the Board of Directors.

*I understand that as an employee of KEDC, I am required to review and follow the by-laws and policies set forth in this handbook and I agree to do so.*

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

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

Return this signed form to Executive Director/designee.