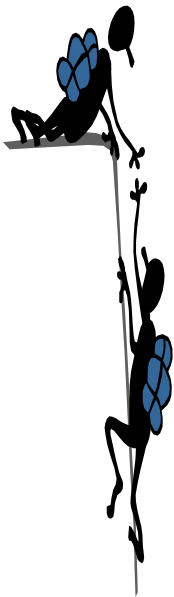


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Protecting Your Job and Career

Certificated members of the Lincoln Education Association want to be **and are** professionals day in and day out, doing their utmost for their students, the community, and their profession. Sometimes it seems to be an uphill, never-ending struggle, but the dedicated professionals who are members off the LEA Bargaining Unit continue to give it their all. Given the truism of this situation, there are a couple of pieces of member rights advice that LEA members need to be aware of to avoid any unnecessary interruption or termination of their job and career. Such is the focus of this special issue of the *LEA Insider*.

Teaching Certificates and Endorsements

LPS Board Policy 4100.2 states:

"Employees must maintain all licensure or certification required by the position as a condition of continued employment. **The employee must** immediately report the loss or suspension of licensure or certification to the appropriate supervisor in Human Resources" (editorial emphasis).

Further, LPS Board Policy 4760.1 states, in reference to the Nebraska Code of Ethics for Teachers:

"It is the expectation of this District that all certificated staff shall comply with the ethics standards set forth by the Nebraska Department of Education, as such standards may be modified from time to time. The ethics standards which certificated staff shall follow shall include the standards set forth in this policy. References to "educator" shall include all certificated employees of the District."

Principle IV of the Code states in part:

"In belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

"2. Shall not misrepresent his or her professional qualifications, nor those of colleagues.

"3. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified."

What Does This All Mean?

LPS policy makes it clear that if a certificated employee's provisional or regular endorsement, license, or certificate **in any area** in which the individual is assigned, teaches, or otherwise utilizes that endorsement, license, or certificate that the employee **must** immediately contact LPS HR upon the expiration or loss of that endorsement, license, or certificate. Further, LPS has recently demonstrated that it will assume **no responsibility** in notifying an individual regarding the expiration or loss of that endorsement, license, or certificate **and** certificated employees who do not follow the policies above most likely will face cancellation of their contract *regardless of their job performance*.

Members may check the status of their teaching certificate(s) and endorsements by going to the Nebraska Department of Education website at: http://datacenter.education.ne.gov/tc_lookup/

Alcohol and Your Job

Certificated members of the LEA Bargaining Unit are very aware that alcohol and working with students **in any capacity, at any time** do not mix. Members, however, may not be aware of how stringent the LPS Board of Education policies are.

LPS Policy 4790 requires that any employee "shall notify the Associate Superintendent for Human Resources or designee by the next working day after the employee is **(a) arrested; (b) ticketed; or (c) issued any form of criminal charge for committing an offense, crime or infraction**" (editorial emphasis added). "This above notification and reporting requirement applies to any crime related "to misuse of drugs, alcohol or controlled substances." It is important to note that the policy does **not** apply just to convictions!

Further, LPS Policy 4900.1 states in part:

"The School District recognizes that the use, possession or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with school purposes.

"...Any level of impairment from illicit drugs, alcohol or inhalants, and **the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace**" (editorial emphasis added).

"...Disciplinary sanctions, **up to and including termination of employment** (editorial emphasis) and referral for prosecution, will be imposed upon employees who violate the aforementioned standards of conduct..."

Cough syrup containing alcohol or other innocuous medications and substances might give an untrained, ill-informed supervisor the suspicion that they smell alcohol and/or that an individual is under the influence of alcohol or illicit drugs.

Therefore, if a member is ever accused of having the smell of alcohol or illicit drug on their breath or person by a supervisor, **LEA strongly advises** that any such individual who is faced with such an accusation **immediately** go privately to another adult(s) *other than a supervisor* and have that individual(s) smell their breath to see what, if anything, that individual(s) detects. Note the time and name of the individual so consulted. **More importantly, LEA strongly advises** that the member facing such an accusation **immediately** go and have a **blood test or breathalyzer** exam conducted by a qualified physician or other official **other than an LPS contact or employee**.

LPS does **not** require individuals who are suspected of having consumed alcohol or who have been reported to have "the presence of any odor of illicit drugs (such as marijuana) or alcohol" on their breath or person to have a blood test or breathalyzer exam conducted. **LPS will and has proven to take the word of their administrators/supervisors in such cases and to act accordingly against the employee**. Therefore, once again, **it is the employee's responsibility** to take the appropriate action(s) to defend both their reputation and their job.

As Always...

LEA is available to advise **members** on any job-related concern such as those stated above and, if necessary, can and will assist members in getting free, legal representation should the District take any action against an employee's contract.

As always, **LEA strongly advises** that **members** should **never** report to LPS Human Resources for any meeting without first contacting an Association professional staff member at the LEA office and securing representation for the meeting.