

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

4053

District Employee Conflict of Interest

Any school district employee who meets the conditions set forth in this policy shall be deemed to have a business or financial conflict of interest.

1. Definitions. For the purposes of this policy:

a. Business with which an employee is associated shall include the following:

(1) A business in which the employee or a member of his or her immediate family is a partner, a limited liability company, or serves as a director or an officer.

(2) A business in which the employee or a member of his or her immediate family is a stockholder in a closed corporation with stock worth one thousand dollars or more, or the employee or his or her immediate family owns more than a five percent equity interest or is a stockholder of publicly traded stock worth more than ten thousand dollars or more at fair market value, or which represents more than ten percent equity interest. This shall not apply to publicly traded stock under a trading account if the employee reports the name and address of the company and stockbroker.

b. A business association shall be defined to include an individual as a partner, limited liability company member, director or officer, or a business in which the individual or member of the immediate family is a stockholder.

2. Contracts with the School District.

a. No employee or member of his or her immediate family shall enter into a contract valued at two thousand dollars or more, in any one year, with this school district unless the contract is awarded through an open and public process that (1) includes prior public notice and (2) allows the public to inspect during the school district's regular business hours the proposals considered and the contract awarded.

- 44 b. The existence of any conflict of interest in any contract in
45 which the employee has an interest and in which the school
46 district is a party, or the failure to make public the employee's
47 interest known, may render a contract null and void.
48
- 49 c. The prohibition of a conflict of interest or requirement for
50 public notice shall apply when the employee, or his or her
51 immediate family has a business association with the business
52 involved in the contract or will receive a direct pecuniary fee
53 or commission as a result of the contract.
54
- 55 3. Employing Members of the Immediate Family.
56
- 57 a. An employee may employ or recommend or supervise the
58 employment of an immediate family member if:
59
- 60 (1) The employee does not abuse his or her position.
61
- 62 (a) Abuse of official position shall include, but not be
63 limited to, employing an immediate family member:
64
- 65 (i) who is not qualified for and able to perform the
66 duties of the position;
67
- 68 (ii) for any unreasonably high salary;
69
- 70 (iii) who is not required to perform the duties of the
71 position.
72
- 73 (2) The employee makes a reasonable solicitation and
74 consideration of applications for employment.
75
- 76 (3) The employee makes a full disclosure on the record to
77 the governing body of the school district and to the
78 secretary of the board.
79
- 80 (4) The board approves the employment or supervisory
81 position.
82
- 83 b. The employee shall not terminate the employment of another
84 employee so as to make funds or a position available for the
85 purpose of hiring an immediate family member.
86

- 87 4. Gifts, Loans, Contributions, Rewards, or Promises of Future
88 Employment
89
- 90 a. No employee shall offer or give to the following persons anything
91 of value, including a gift, loan, contribution, reward, or
92 promise of future employment, based upon an agreement
93 that a vote, official action, or judgment would be influenced
94 thereby:
95
- 96 (1) a public official, public employee, or candidate.
97
- 98 (2) a member of the immediate family of an individual
99 listed in Subparagraph 'a' above.
100
- 101 (3) a business with which an individual listed in
102 Subparagraph (1) or (2) above is associated.
103
- 104 b. No employee shall solicit or accept anything of value, including a
105 gift, loan, contribution, reward, or promise of future
106 employment based on an agreement that the vote, official
107 action, or judgment of the employee would thereby be
108 influenced.
109
- 110 c. An employee shall not use or authorize the use of his or her
111 public employment or any confidential information received
112 through the public employment to obtain financial gain, other
113 than compensation provided by law, for himself or herself or a
114 member of his or her immediate family, or a business with
115 which he or she is associated.
116
- 117 d. An employee shall not use or authorize the use of personnel,
118 resources, property, or funds under that person's official care
119 and control other than in accordance with prescribed
120 constitutional, statutory, and regulatory procedures or use
121 such items for personal financial gain, other than
122 compensation provided by law.
123
- 124 5. Conflict of Interest Relating to Campaigning or Political Issues
125
- 126 a. Except as provided below, an employee shall not authorize the
127 use of school district personnel, property, resources, or funds
128 for the purpose of campaigning for or against the nomination

129 or election of a candidate or the qualification, passage, or
130 defeat of a ballot question.

131
132 b. This does not prohibit an employee from making school district
133 facilities available to a person for campaign purposes if the
134 identity of the candidate or the support for or opposition to
135 the ballot question is not a factor in making the facilities
136 available or a factor in determining the cost or conditions for
137 use.

138
139 c. This does not prohibit an employee from discussing and voting
140 upon a resolution supporting or opposing a ballot question.

141
142 d. This does not prohibit an employee under the direct supervision
143 of a public official from responding to specific inquiries by the
144 press or the public as to the board's opinion regarding a ballot
145 question or from providing information in response to a
146 request for information.

147
148 e. An employee may present his or her personal opinion regarding
149 a ballot question or respond to a request for information
150 related to a ballot question; but in so doing, the person
151 should clearly state that the information being presented is
152 his or her personal opinion and is not to be considered as the
153 official position or opinion of the school district. However, this
154 shall not be done during a time that the individual is engaged
155 in his or her official duties.

156
157 6. Conflict. To the extent that there is a conflict between this policy
158 and the Nebraska Political Accountability and Disclosure Act
159 ("Act"), the Act shall control.

160
161 Adopted on: July 13, 2017

162 Revised on: November 13, 2018

163 Reviewed on: July 13, 2017; November 13, 2018

164