

West Kentucky Educational Cooperative

Policy Manual

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DEFINITIONS

The following expressions are defined with respect to their intended meanings in the context of this WKEC POLICY MANUAL:

Policy	An expression of the will of the Board of Directors
Administrative Procedures	Statements of the Executive Director or the Board of Directors. Procedures are administrative instruments to implement Board policy and other legal mandates.
Executive Director	It should be inferred that policies that charge the Executive Director with preparing procedures, plans or programs for Board review shall also embrace any other employee to whom the Executive Director may delegate such charges.
Masculine Gender	Unless otherwise noted, all gender references include both male and female.
Parent or Guardian	Parent, as used in this manual, means parent or legal guardian.
Students with Disabilities	In compliance with federal law, and unless otherwise indicated, use of the terms “handicapped/exceptional/special education” shall refer to students with disabilities.

WEST KENTUCKY EDUCATIONAL COOPERATIVE POLICY MANUAL

I. INTRODUCTION

I.-A. MISSION STATEMENT

The mission of the West Kentucky Educational Cooperative is to assist school districts in maximizing resources to prepare students to excel.

I.-B. BELIEF STATEMENTS

WE BELIEVE THAT:

- The unique educational environment in each individual district is enhanced through cooperation and sharing.

- Students are our primary concern and ultimate customers

- Lifelong learning and visionary thinking enhance the quality of life.

- Service is the reason for our existence.

- Education is fundamental to a democratic way of life.

- The entire community benefits from, and is responsible for, the educational process.

- Fair and equitable representation is essential.

- Adapting to change should be a catalyst for growth and improvement.

II. BOARD OF DIRECTORS

II. A. POWER AND DUTIES

1. The certified and classified personnel of the WKEC are under the management and control of the Board of Directors, consisting of the Superintendents of member districts and the Dean of the College of Education of Murray State University.

2. The Board is a body politic and corporate with perpetual succession.

3. The Board shall be known as the "West Kentucky Educational Cooperative Board of Directors."

4. The WKEC operates under the Interlocal Cooperative Act (KRS 65.210-65.300).

5. The Board of Directors of the West Kentucky Educational Cooperative has never, and shall never, approve expenditures for impermissible political purposes.

II.-B. QUALIFICATIONS

Eligibility To be eligible for membership on the Board, a person must meet the following qualifications:

Is the current Superintendent of the representative member district or Dean of the College of Education of Murray State University.

II.-C MEETINGS

Quorum — A majority of the Board shall constitute a quorum for the transaction of business.

Majority Vote — A concurring vote of a majority of the full Board, or the Board member's designee from the representative district, is necessary to take any particular action, unless otherwise specified by statute.

In the event that a quorum of members are not present at a regular meeting of the Cooperative Board of Directors, the acting Chair, with the concurrence of all members present, may empower the Executive Director to transact all normal and necessary business of the Cooperative, including the payment of all bills and invoices.

Abstentions — Members of the Board who are present , but abstain from voting, are considered as acquiescing with the majority.

II. C-1. Regular Meetings

Time and Place	Regular meetings of the Board shall be held on the fourth Wednesday of each month at 9:30 a.m. Place of the meeting will be set by the Executive Director and the Chairman. Dates are subject to change at the discretion of the Executive Director and the Chairman. In the case of circumstance which dictates a change in the time, date, and/or place of the regular meeting, the Chairman shall consult with the members of the Board and Executive Director to reach a consensus regarding an alternate time, date, and/or place for the meeting.
Exception	The Chairman will consult with the Executive Director and determine an alternate time, date, and/or place for the meeting and will cause the following to be notified in person or by mail at least twenty-four (24) hours in advance of the meeting: all members of the Board of Directors.
Open	All meetings of a quorum of the members of the Board, at which any action is taken, are to be public meetings, open to the public.
Consent Calendar	When multiple items are presented for Board consideration under the consent calendar, any individual Board Member shall have the right to remove any item from the calendar and place it on the agenda for separate consideration by asking prior to a vote on the consent calendar. No vote is required to remove an item. Any member may request at the beginning of the meeting that additional agenda items be added to the consent calendar. If there is no dissenting opinion, the items may be added.

II. C-2 Organizational Meetings

Election of Chairman and Vice-Chairman

At the final meeting in June of the appropriate years, the Board shall elect a Chairman and Vice-Chairman. The current Chairman shall appoint a Nominating Committee to submit names for the position of Chairman and/or Vice-Chairman to the full Board for election.

Term of Office For Chairman and Vice-Chairman

The Chairman and Vice-Chairman shall serve two (2) year terms, beginning immediately following their election.

Standing Committees

Standing Committees shall be created by a vote of the majority of the Board of Directors.

Legislative and Issues Committee

Purpose: Routine monitoring of regional/state/national issues
Formation: Chair of WKEC Board is a permanent member of the committee. A member of the Local Superintendents' Advisory Committee (LSAC) and Superintendents' Advisory Council (SAC) will serve on the committee. Other members, as appointed by the WKEC Chair, will serve.

Other Committees

Other committees may be established at the discretion of the Chairman of the Board.

Membership of the Executive Committee shall consist of the current Chairman, Vice-Chairman, who shall chair the Finance Committee, immediate past Chairman, Personnel Committee Chairman, and an at-large position appointed by the Chairman to achieve equal representation of large and small districts on this committee.

Should a vacancy, other than that of the Chairman, occur before the end of the term for which the Executive Committee member has been appointed, the current Chairman shall appoint a board member to that position for the duration of the term. Should a vacancy occur in the position of Chairman, the Vice-Chairman shall become the Chairman and shall appoint a board member to fill the vacancy of Vice-Chairman for the duration of the term.

Committee Chair	The Chairman of the WKEC Board of Directors shall appoint the Chairman of each committee.
Committee Membership	The Chairman of the WKEC Board of Directors shall appoint members of the committees. Board members may submit their preferences for committee membership to the Chairman.

II. C-3. Open Meetings

Public Attendance	The public and the news media are permitted to attend all open meetings of the Board.
Exception	The Chairman may impose conditions upon attendance at a given meeting only if such conditions are required for the maintenance of order.
Public Participation	Persons wishing to address the Board must first be recognized by the Chairman.
Speakers	The Chairman may require the name and address of the speaker. The Chairman may rule on the relevance of the topic to the Board's agenda. The Chairman may also establish time limits for speakers as may be required to maintain order and to ensure the expedient conduct of the Board's business.

II. C-4 Closed Meetings

Authorization — The Board may, at any meeting, go into closed session to discuss any matters which it may lawfully discuss at a closed meeting.

Requirements — The following requirements shall be met as a condition for conducting the closed session:

1. Notice shall be given in regular open meetings of the reason for 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.

3. No final action may be taken at a closed session.

4. No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.

Lawful Matters for Discussion — The following matters may be discussed in closed session:

1. Deliberation 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. Discussion of hearings which might lead to the appointment, discipline, or dismissal of an individual employee; without restricting the employee's right to a public hearing if requested. The exception shall not be interpreted to permit discussion of general personnel matters in secret; and

4. Meetings which federal or state law specifically require to be conducted in privacy.

References: KRS 61.810

II. C-5 Special Called Meetings

Authorization	The Board may hold such special meetings as are necessary to expedite its business. A special meeting may be open or closed, and the Board may accordingly conduct any activities in a special meeting that are permitted in an open or closed meeting. The Board may consider only those subjects set forth in the notice of the meeting and agenda.
Call and Notice	A special meeting may be called at any time by the chairman or on request of three (3) board members. The secretary shall provide written notice of the special meeting. The notice shall consist of the date, time and place of the special meeting and the agenda. Discussion and action at the meeting shall be limited to items listed on the agenda in the notice.
Delivery and Timing of Notice	Notice of a special meeting must be delivered personally, transmitted by fax, or mailed so that it is received at least twenty-four (24) hours prior to the time of such meeting as specified in the notice. Notice shall be given to each board member and to each media organization which has on file with the Board a written request to be notified of special meetings.
Exception	Requirements for notice, delivery and timing are not required in case of an emergency which prevents compliance. In such a case, reasonable effort shall be made to notify board members, media organizations that have filed a written request for notification and the public of the emergency meeting. At the beginning of the meeting, the Chairman shall explain, for the record, the emergency circumstances preventing compliance with notice, delivery and timing requirements. This explanation shall be recorded in the minutes of the meeting. Discussion and action at this meeting shall be limited to the emergency for which the meeting has been called.
References:	KRS 160.270 (1) OAG 78-274 OAG 77-221; OAG 61-24; OAG 83-71 92-OMD-1677 KRS 61.823

II-D. DUTIES AND RESPONSIBILITIES OF CHAIRMAN AND VICE-CHAIRMAN

1. The Chairman of the Board shall preside at meetings.

2. The Chairman may appoint committees as provided in II. C-2.

3. The Chairman may call special meetings of the Board.

4. The Chairman may vote on motions.

5. The Chairman shall countersign all orders of the Board (including contracts and reports as required by law.)

6. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman.

II-E. DUTIES AND RESPONSIBILITIES OF THE SECRETARY

Records

The Secretary shall keep the records of the Board and perform other duties imposed by the Board. All orders of the Board must be signed by the Secretary and counter-signed by the Chairman of the Board. The Secretary shall be custodian of all securities, documents, title papers, and other papers of the board under such conditions as the Board may direct. The Secretary, when other than the Executive Director, shall make all records of the Board available to the Executive Director and the Board at any time upon request of the Executive Director or the Board.

Meetings

The Secretary shall be present at the meetings of the Board except when the tenure, salary, or the administration of the office is under consideration, and shall record in a book provided for that purpose all its official proceedings, which shall be a public record open to inspection unless otherwise exempted from inspection by law.

Designation of Secretary

The Secretary shall not be a member of the Board. The Board may appoint the Executive Director as Secretary. However, if appointed Secretary by the Board, the Executive Director shall not receive compensation in addition to that received for serving as Executive Director. If a person other than the Executive Director is appointed, the Board may fix a reasonable salary for the Secretary. The Secretary shall be appointed no later than the first regular meeting after a vacancy occurs.

II - F. DUTIES AND RESPONSIBILITIES OF COMMITTEES

Request for Meetings	The Executive Director or Chairman may request that the Committee Chair call a meeting of a committee.
Notice and Scope Of Committee Meetings	Notice of committee meetings shall be given in a timely manner. The Executive Director or Chairman shall provide direction for the scope of the committee's efforts. Committee members in attendance shall constitute a quorum.
Reports and/or Recommendations	A detailed report by the Chair/designee shall be made at a regular or special-called meeting of the WKEC Board of Directors. The report shall include the names of those in attendance at the meeting, the deliberations of the committee, and any recommendations, including the rationale which supports the recommendations.
Ex-Officio Members	The WKEC Executive Director is an ex-officio member of each committee.

II - G. BOARD POLICIES

Board Policy

Enactment of Policy	Except when an emergency situation is declared by the Chairperson, the Board will not enact or revise policy in the same meeting that it is initially introduced.
Dissemination of Policy	The Executive Director shall develop and implement a system whereby each employee and all members organizations directly affected by a specific policy shall be apprised of the policy. All Board policies shall be reasonably accessible to all personnel and to the public at large.
Maintenance of Policy Manuals	All copies of the official policy manual shall be numbered, housed in specified locations, and kept current through a system developed and implemented by the Executive Director.
Policies are Binding	All policies of the Board are binding on employees of the WKEC and on the Board itself.

II - H. BOARD RECORDS

The Secretary to the Board shall be the custodian of all Board records.

The Secretary shall develop and submit for Board approval procedures as noted in KRS 61.876 to provide public access to public records and to ensure the security and orderly maintenance of the records. Said procedures shall be printed and made available to the public upon request.

Records Management

Records Officer	The Executive Director shall designate a records officer who shall inventory, analyze, and schedule disposition of WKEC records, as well as maintain a destruction record, noting the authorization for said destruction and the amount of records to be destroyed. Each year, the records officer shall provide a copy of this record to the Board. An inventory of all records kept by the WKEC shall be taken, these records to include those made or received by the WKEC in connection with the transaction of business.
Executive Director's Responsibilities	Pursuant to statutory requirements, the Executive Director shall establish procedures to safeguard against unlawful destruction, removal or loss of records. The Executive Director shall notify the Board of any actual, impending or threatened unlawful disposition of records and shall initiate action through the Attorney General for recovery of such records.
Retention and Disposal of Records	The WKEC shall follow the State Retention and Disposal Schedule for Boards of Education in its management of records. When there is a question whether a particular record or group of records should be destroyed, the Board shall have exclusive authority to make this decision.

II - I. BOARD ATTORNEY

The Board may employ an attorney to advise and represent it in legal matters.

In special cases, the Board may employ additional attorneys, as needed.

III. EXECUTIVE DIRECTOR

III. - A. QUALIFICATIONS OF EXECUTIVE DIRECTOR

The Board holds the Executive Director responsible for the efficient management of the Cooperative. The Board expects the Director to administer, carefully, the organization and administration of both material and personnel resources in such a way as to achieve the Board's objective of the best possible programs.

As the chief executive officer of the Board, the Director is the administrative head of all programs of the Cooperative. The Director may delegate duty and authority for the operation of the various programs, but retains responsibility to the Board for the results produced.

It is the responsibility of the Board to attract and retain the services of a qualified and experienced educator to serve in this capacity. The Director must have demonstrated competence and ability as an educational leader.

III. B. DUTIES OF EXECUTIVE DIRECTOR

1. Serve as Executive Director of the WKEC.

2. Serve as Secretary/Treasurer to the Board of Directors.

3. Administer all WKEC Programs.

4. Prepare, in conjunction with the Chairman of the Board, the agenda for each Board meeting.

5. Prepare all minutes and proceedings of the Board.

6. Prepare budgets for adoption by the Board of Directors.

7. Direct expenditure of funds for all WKEC activities.

8. Employ staff for positions authorized by the Board of Directors. At the next meeting of the Board following employment, a written record of such appointment shall be made to the Board.

9. Supervise day-to-day activities and annual evaluations of staff.

10. Supervise staff and activities of the Special Ed Coop and Physical Therapy Consortium.

11. Design and implement unified purchasing for member districts.

12. Coordinate activities of three adult education projects and ABE.

13. Supervise staff and activities of Professional Development Consortium.

14. Plan, write programs for approval, and implement Instructional Leadership Training Programs for administrators.

15. Design and coordinate regional transportation plan for students attending the Kentucky School for the Deaf and Kentucky School for the Blind.

16. Meet regularly with, and keep records for, committees appointed by the Board.

17. Plan annual Regional Chapter I Conference.

18. Design and implement annual Spring Conference for West Kentucky Counselors.

19. Plan and implement annual Spring and Fall Institutes for board members.

20. Coordinate proposal writing and manage budget for small schools CIE Consortium.

21. Meet regularly with administrative groups to respond to needs and share information.

22. Serve as liaison with Kentucky Department of Education.

23. Represent the Board and school districts through inter-agency collaboration and attendance at regional, state, and national conferences and meetings.

24. Perform other duties as designated by the Board of Directors.

IV. PERSONNEL POLICIES

IV. - A. HIRING

IV. - A. -1. Equal Employment Opportunity

Nondiscrimination

The Executive Director shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, transfer or dismissal because of race, color, religion, sex, national origin, political affiliation, marital status, or age.

No employee shall be appointed or promoted to, or demoted, or dismissed from, any position or in any way favored or discriminated against with respect to employment because of his/her political or religious opinions or affiliations, marital status, ethnic origin, race, color, sex, age, or handicapping condition.*

Handicap

No "qualified handicapped person" shall, on the basis of handicap, be subject to discrimiation in employment..**

Advising Employees

The Executive Director shall inform all Cooperative employees and prospective employees of the provisions of this policy.*

References:

*KRS 161.164
**29 U.S.C.A. 794
34 C.F.R. 104.3 - 104.14
**Section 504 of the Rehab. Act of 1973

IV.-A.-2. Drug Free/Alcohol Free Workplace

Illegal and/or Controlled Substance

Cooperative employees shall not manufacture, distribute, dispense, possess or use, on or in the workplace, alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined by federal regulation.

"Controlled substance" shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Cabinet for Human Resources under regulations pursuant to KRS 218A.020.

Authorized Drugs

Employees who personally use, or who are designated to administer to a student, a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

Workplace Defined

Workplace shall mean the site for the performance of work done for the Cooperative including any place where work on a cooperative program, project or activity is performed, including, but not limited to, the Cooperative offices, the campus of Murray State University, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under district jurisdiction including, but not limited to, field trips, and athletic events.

Suspension/ Termination/ Non-renewal Disciplinary Action

Any employee who violates the terms of the Cooperative's drug-free/alcohol-free policies may be subject to disciplinary action (which may include termination), suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

Alternative

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

Notification by Employee

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.

Awareness Program

The Executive Director shall establish a drug-free/alcohol-free awareness program for all employees, and shall communicate, at a staff meeting each July, the availability of drug/alcohol abuse assistance or rehabilitation programs. The program shall include notice of the following:

1. The danger of drug/alcohol abuse in the schools and workplace;
2. The Cooperative's policies and related procedures on drug free/alcohol-free environments;
3. The requirement for mandatory compliance with the Cooperative's established standards of conduct;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for drug/alcohol abuse violations.

References:

KRS 160.209; KRS 161/790
34 CFR Part 85
PL 101-226
20 U.S.C.A. Section 3171

IV.-A-3. Harrassment/Discrimination

Definition — Harassment/Discrimination is 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 a manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

Prohibition — Harassment/Discrimination due to an individual's race, color, national origin, age, religion, marital status, political beliefs, sex, or disability is prohibited.

Disciplinary Action — Employees who engage in harassment/discrimination of another employee or a student on the basis of race, color, national origin, age, religion, marital status, political beliefs, sex, or disability shall be subject to disciplinary action including, but not limited to, termination of employment.

Procedures — The Executive Director shall develop procedures for:

1. Investigation of allegations of harassment/discrimination; to include the submission of a written report of all findings of an investigation to be completed within three (3) working days of submission of the original written complaint;
2. Establishment of measures to provide confidentiality in the complaint process;
3. A process to identify and employ, within three (3) school days of the submission of the written investigative report, methods to correct and prevent recurrence of the harassment/discrimination;
4. A process where the provisions of this policy are disseminated in writing annually to all staff and;
5. Annual training explaining prohibited behaviors.

Prohibited Conduct — Conduct and/or actions prohibited under this policy include, but are not limited to:

1. Unwanted touching, sexual name-calling, sexual jokes and spreading sexual rumors;
2. Members of one gender being subjected to sexual remarks of the other gender or the same gender in the context of the workplace;
3. Impeding the work of an employee by questioning the ability to do the required work based on the gender of the employee;
   and,
4. Limiting access to tools based on the employee's gender.

Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal any part of the findings and corrective actions to the Executive Director.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to the Executive Director or, if the charge is against the Executive Director, to the Board of Directors.

Failure by an immediate supervisor, and/or Executive Director, to initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action, shall be cause for disciplinary action.

Retaliation Prohibited

No one shall retaliate against an employee or student because he files a written grievance, assists or participates in an investigation, proceedings, or hearing regarding the charge of harassment/discrimination of an individual or because he has opposed language or conduct that violates this policy.

Reference: 42 USC 2000e

IV. A.-4. Use of Tobacco

The WKEC adheres to the statewide no smoking policy mandated as of May 15, 1993, for all public buildings.

Smoking is not permitted in the building, including stairwells, elevators, hallways, classrooms, restrooms, reception areas, conference rooms, and break or lounge rooms.

Smoking in private offices is permitted only if smoke removal devices are installed at the smoker's expense with the approval of the Executive Director.

IV. A.-5. Contracts

All employees shall receive a written contract.*

Reference *KRS 161.730

IV. A.-6. Compensation and Benefits

Establishment	The Board shall annually establish salary schedules and employee benefits for all personnel.
Notice of Salary	The Executive Director shall, by July 1 of each year, notify all personnel of the best estimate of the salary for the coming year.**
References:	**KRS 161.760; KRS 157.390; KRS 160.290; KRS 160.291; 702 KAR 3:060; 702 KAR 3:070
Exceptions	The Executive Director's salary may be established without regard to the above mentioned schedules. The Board may establish separate salary schedules for other certified WKEC personnel who work less than a half day, and other part-time certified employees.
Salary Deductions	No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request from that employee affirmatively requesting the optional deduction.
List of Benefits	The Executive Director shall develop and make available to employees a list of benefits and procedures available to employees, which shall be subject to review and final approval by the Board.

IV. A.-7. Holidays

WKEC employees who work the number of days specified below shall be paid for the corresponding number of holidays.

Work Year (in days)	Number of Paid Holidays
240 -	6
220-239	5
185-219	4

The four (4) holidays are New Year's Day, Labor Day, Thanksgiving Day, and Christmas Day. The fifth holiday is Memorial Day. The sixth holiday is July 4. If any one of these holidays occurs on a non-work day, then an alternate day shall be selected for the observance. All employees may elect to take Martin Luther King Jr.'s observed birthday as a non-work day.

IV. A.-7a. Non-Work Days

Non-work days not taken during the fiscal year in which they were available may not accumulate. A waiver of this policy to allow the employee to carry forward non-work days no longer than the end of the current calendar year may be granted at the discretion of the Executive Director.

IV. A.-7b. Conformity with University Holiday Schedule

In accordance with the Murray State University employee work calendar and facility closing schedule, the offices of the West Kentucky Educational Cooperative will be closed December 24 through January 1 each year. Office-based employees shall be compensated for the non-holidays week days that occur when the University facilities are closed during this period.

IV. A.-8. Leaves and Absences

Approval — Authorization of leave shall be made in accordance with specific leave policy.

Notification — Employees on leave covered by the related policies listed below shall notify the Executive Director in writing, by April 15 of the year the leave terminates, of the date of their intent to return to the WKEC. Employees who fail to notify the Executive Director of their return by April 15, shall not be guaranteed employment for the following year. If an employee on leave has not contacted the Executive Director by April 15, 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 15, to either request an extension of leave or to provide a date of return, the Executive Director may determine whether personnel action is required.

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

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 ½ day. Persons employed on a full year contract, but scheduled for less than a full work day, 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.

Employees taking personal leave must file a personal affidavit on their return to work stating that the leave was personal in nature.

Employees shall, on June 30 of each year, transfer to their accumulated sick leave account any personal leave not taken during that year.

Employees, upon leaving the WKEC, shall not be compensated for unused personal leave.

Sick Leave

Employees who work at least 240 days per year shall be entitled to twelve (12) sick leave days with pay each year.

Persons employed for fewer than 240 days per year shall receive a prorata part of the authorized sick leave days calculated to the nearest ½ day.

Persons employed for at least 240 days per year, but scheduled for less than a full work day, shall receive the authorized sick leave days equivalent to their normal working day.

Unused sick leave earned during the current fiscal year shall be credited to the employee's accumulated sick leave account in accordance with applicable law. Unused personal leave earned during the current fiscal year shall also be credited to the employee's accumulated sick leave account to the extent that the combined total of unused sick leave and personal leave credited for that fiscal year does not exceed thirteen (13) days.

Any unused personal leave remaining after the thirteen (13)-day annual maximum has been credited to the employee's accumulated sick leave account shall be converted to emergency leave day for use during the following fiscal year. Emergency leave days granted under this provision must be used during the following fiscal year and shall not accumulate or carry forward beyond that fiscal year.

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy. An employee may use up to thirty (30) days of sick leave following the adoption of a child or children.**

Sick leave can also be taken for illness in the immediate family. Immediate family shall mean the employee's spouse, children (including step-children and foster children), parents, spouse's parents, grandparents, spouse's grandparents, grandchildren, daughters-in-law, and sons-in-law without reference to the location or residence of said relative and other blood relative who resides in the employee's home.
Employees coming to the WKEC from a Kentucky school district, Kentucky public college or university, or from the Kentucky Department of Education, shall transfer accumulated sick leave to the WKEC.

At the time of retirement, the Board shall compensate employees or their estate, for each unused sick day at the rate listed in the table below. This calculation is based on the employee's last annual salary*. Upon the death of an employee in active contributing status who was eligible to retire by reason of service, the Board shall create an escrow account to maintain the funds necessary to reimburse employees who qualify for the retirement benefit.

Years of Service	Percentage of the employee's daily rate
End of 1st – 2nd	0%
End of 3rd	10%
End of 4th	20%
End of 5th+	30%

Upon leaving the WKEC, employees may obtain a statement from the Executive Director certifying the number of days of accumulated sick leave.
Effective 7/1/22
Upon return to work, an employee claiming sick leave must file a personal affidavit or a 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.**

References: *KRS 161.155(9); OAG 83-191; OAG 94-39; OAG 97-28
**KRS 161.155, Sec. 2
KRS 161.152
OAG 93-39
25RS SB 9 revisions to KRS 161.155

Maternity Leave

Childbirth and recovery therefrom shall be considered temporary disabilities and will entitle the employee to sick leave benefits as in Board policy.

Extended disability due to pregnancy, childbirth, or recovery therefrom may be considered an "extended disability" as in Board policy.

On written request, the parent of a newborn shall be granted unpaid leave of absence, not to exceed the remainder of the contract year. Thereafter, leave may be extended in increments of one (1) year.

Employees on maternity leave shall notify the Executive Director in writing of their intent to return to the workplace on a specified date. Employees who fail to notify the Executive Director of their return by the date prescribed shall not be guaranteed employment for the following fiscal year.

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

Adoption of Child Leave

Employees who adopt a child or children shall be granted, upon written request, leave without pay, not to exceed the remainder of the contract year. Thereafter, leave may be extended in increments of no more than one (1) year.

Notification Of Return

Employees on adoption of child leave shall notify the Executive Director in Writing of their intent to return to the WKEC on or before the date prescribed in Board policy. Employees who fail to notify the Executive Director shall not be guaranteed employment for the following year.

Employees taking adoption of a child leave will be entitled, on return, to a comparable position for which they are qualified. Placement in the same position shall not be guaranteed.

Extended Disability Leave

Employees who anticipate an extended period of disability shall be granted by the Board, upon written request, leave without pay not to exceed the remainder of the contract year. Thereafter, leave may be extended in increments of no more than one (1) year.

Employees on extended disability leave shall notify the Executive Director in writing of their intent to return to the WKEC 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.

The Executive Director may require the employee to secure a licensed physician's verification of disability.

Employees taking disability leave will be entitled, on return, to a comparable position for which they are qualified. Placement in the same position shall not be guaranteed.

When, in the opinion of the Executive Director, there is evidence that an employee is no longer able to satisfactorily perform 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. The Board 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.

Educational Leave

Upon written request and recommendation of the Executive Director, the Board may grant certified 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 in the WKEC. 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.

Employees on educational leave shall notify the Executive Director in writing of their intent to return to the WKEC on or before the date prescribed in Board policy. Employees who fail to notify the Executive Director of their return by the date prescribed in Board Policy shall not be guaranteed employment for the following year.

Employees taking an educational leave will be entitled, on return, to a comparable position for which they are qualified. Placement in the same position cannot be guaranteed.

Emergency Leave

Full-time employees shall not be granted emergency leave with pay in excess of two (2) days per year.

Full time employees shall be entitled to two (2) days of emergency leave for each death in the immediate family.

Persons employed for less than a full year contract shall receive a prorata part of the authorized emergency leave days calculated to the nearest ½ day.

Persons employed on a full year contract, but scheduled for less than a full work day, shall receive the authorized emergency leave days equivalent to their normal working day.

Consistent with the following provision, personnel may also use up to three (3) sick leave days per year for emergency leave.
Emergency leave shall be for the following reason:

Bereavement: Death of the following relatives: husband, wife, son, daughter, step-child, foster child, parents, sibling, grandparents, spouse's grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, without reference to the location or residence of said relative, and other blood relatives who reside in the employee's home.

Personal disasters

Hazardous travel conditions

Court appearances

Urgent matters which require the immediate attention of the employee and cannot be taken care of before or after the employee's working day.

Emergency leave must be requested through the employee's immediate supervisor who will determine if the leave requested meets the Board's criteria.

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

Unused emergency leave days will not accumulate from year to year.

Employees, upon leaving the WKEC, shall not be compensated for unused emergency leave.

References: KRS 161.152; KRS 161.153; KRS 161.155
OAG 76-427; OAG 72-348; OAG 74-770

Jury Leave

Any employee who serves on a jury in a duly constituted local, state, or federal court shall be granted leave with full compensation and shall reimburse the WKEC for the amount of the compensation as jury pay (except expense monies), for the period of his actual jury service.

Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors.

Military Leave

Military leave will be granted to personnel under the provisions and conditions specified by KRS 61.373, 61.375, 61.374, and 61.396.

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

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.

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 grant absence, with pay, and reimbursement to personnel to attend approved professional meetings. Employees shall submit their request 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 upon the number of applicants and budgetary limitations. Expense vouchers shall be submitted to the Executive Director.

References: KRS 156.190
KRS 160.410
KRS 158.070 (1)
KRS 160.290
OAG 65.365
OAG 74-212
OAG 74-873
OAG 80-395
OAG 83-228

IV.-A-9. Insurance

The Board shall provide unemployment insurance, workers' compensation, and liability insurance for all personnel. In addition, the State provides full-time employees with term life insurance single coverage hospitalization insurance.

WKEC employees are not authorized to use sick leave for the purpose of work-related injuries and medical conditions arising out of employment if they are provided worker's compensation loss-of-income payments. The employee's choice shall be stated in writing and submitted to the Executive Director.

IV.-A-10. Expense Reimbursement

The Board shall reimburse WKEC personnel for occupational 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 expenses. Allowable expenses are:

Mileage	Actual mileage between official work stations within the cooperative districts which have been approved by the Executive Director shall be reimbursed at a rate approved annually by the Board when the employee uses his own vehicle.
Tolls and Fees	All tolls and parking fees incurred in occupational-related travel. Parking fees must be substantiated by a receipt.
Car Rental	Car rental charges when approved by the Executive Director. Charges must be substantiated by a receipt.
Common Carriers	All charges or fares for necessary travel on common carriers (plane, train, bus, subway, taxi, ferry, etc.). Sightseeing and pleasure tours are not reimbursable.
Out-of-State Travel	Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare or mileage rate, whichever is the lesser amount.
Food	Actual and reasonable monies spent for food while on approved travel. Any meal exceeding $5.00 must be substantiated by a receipt.
Lodging	Hotel or motel charges (not including food or other charges) incurred in occupational-related travel. Charges must be substantiated by a receipt.
Reimbursement Forms	No requests for travel reimbursement will be considered unless filed on the proper form and accompanied by the proper receipts.

IV.-A-10a. Acceptable Use of Credit Cards

1. Due to the geographical location of administrative employees to whom a credit card is issued, any administrator who lives or works outside of Calloway County may keep a credit card in his possession.

2. Administrators who were not described in item 1 shall obtain a credit card from the Director of Finance after the employee signs a statement that he is responsible for any charges on that card until it is returned. The statement shall be date and time stamped and witnessed. The return shall be date and time stamped and witnessed, also.

3. The Director of Finance shall keep credit cards under lock and key and maintain the credit card sign-out records.

4. WKEC credit cards shall be issued only for purchases related to professional responsibilities; namely, lodging, food, office supplies, airline, tickets, books, and other instructional materials. Personal use is prohibited. Violation of this policy shall result in the employee's loss of credit card privileges for sixty (60) days. A second offense shall be considered insubordination; appropriate disciplinary action shall be imposed.

5. A receipt bearing the employee's signature shall be submitted to the Director of Finance to document each purchase made on the corporate credit card. If meals are purchased, a receipt that itemizes the food and beverage items purchased shall be attached. The names of clients for whom meals have been purchased shall be listed, if applicable.

6. Loss of cards shall be reported immediately to the Executive Director

IV.-A-11. Assignment

The assignment of all personnel shall be made by the Executive Director. The Executive Director shall make all appointments and transfers of personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Executive Director.

The Executive Director shall assign personnel who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

Transfer

Transfers of personnel shall be made by the Executive Director who, at the first meeting following the transfer, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Executive Director.

Transfer or reassignment of personnel will be made by July 15, except to fill vacancies created by illness, death, or resignations; to reduce or increase personnel because of a shift in WKEC population; to make personnel adjustments necessitated by unusual circumstances, or merger; or to assign personnel according to their major or minor fields of training.

IV.-A-12. Criminal Records Check

Applicants and employees shall undergo records checks and any additional testing as required by applicable statutes, regulations, and WKEC. The Executive Director shall complete additional criminal records checks and/or background investigations, as appropriate. WKEC shall not employ the following individuals:

- Those who have been convicted of violent offenses or sex crimes as defined by KRS 17.165;
- Those who have been convicted of other crimes which bear a reasonable relationship to the position for which the individual is applying, or to which the individual may transfer within the WKEC at a later time as determined by the Executive Director; or
- Those who materially misrepresent their criminal history, credentials, or any other fact when applying for a position with WKEC.

IV.-B. SUPERVISION

Immediate Supervisor

Supervision shall be provided for all employees. Employees shall be informed as to who their immediate supervisor is and to whom they will be responsible.

West Kentucky Educational Cooperative Personnel Evaluation Policy

Policy IV B-1

Personnel Evaluation

The Executive Director and/or designated Program Directors shall be responsible for the evaluation of West Kentucky Educational Cooperative personnel. Responsibility for evaluation shall be commensurate and consistent with the official WKEC organizational structure.

Although Directors and employees should discuss job performance and performance goals on an informal and regular basis, formal evaluations will be completed for all WKEC personnel no later than April 15 of each year. The evaluation shall document employee performance in relation to the responsibilities stipulated in the position job description and shall note specific areas of needed improvement.

The evaluation shall be discussed with each employee and, if necessary, the employee and evaluator will develop a professional growth plan. The employee will be asked to sign the evaluation document indicating the evaluation has been discussed with the employee. The requested signature shall not imply agreement or disagreement with the evaluation.

If an employee believes that the evaluation does not comply with the procedures stipulated in this policy, the employee may, within ten (10) days of the post-evaluation conference, arrange to meet with the Executive Director of the West Kentucky Educational Cooperative to discuss concerns.

Evaluations, and any response material that an individual employee submits, are confidential and will become a part of the employee's permanent record. The evaluation may form the basis for a decision by the Executive Director regarding the continued employment of any West Kentucky Educational Cooperative personnel.

Approved by action of the WKEC Board of Directors,
March 28, 2007

IV.-C. JOB DESCRIPTION

Each employee shall be provided a job description which shall delineate all essential functions and the general duties and responsibilities of the position held by the employee. Job descriptions shall not be considered all-inclusive descriptions of the job but shall indicate the general parameters of the duties and responsibilities of the position. The immediate supervisor may, as needed, assign other reasonable duties to the employee.

IV.-D. USE OF WKEC PROPERTY

No WKEC employee shall use any vehicle, building, equipment or other property owned by the Board for personal use, unless otherwise approved by the Executive Director or Board.

All personnel shall be responsible for the WKEC equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor.

IV.-D.2 DISPOSAL OF WKEC PROPERTY

The Executive Director shall advise the Board of Directors when properties are no longer needed for cooperative purposes. Upon receiving this report, the Board shall, after compliance with applicable state or federal regulations, authorize the disposal of cooperative properties through closed sealed bids, public auction, or sale for at least the fair market value established by certified appraisal or its equivalent. The Board reserves the right to reject any and all bids.

References:

KRS 160.290, 702 KAR 4:090
OAG 91-85; OAG 76-291
704 KAR 3:455
34CFR 80.32

IV.-E. USE OF PERSONAL PROPERTY IN THE WORKPLACE

Personal property must be transferred when the assigned location of employment is changed; otherwise, all claims to the property shall be relinquished.

IV.-F. GIFTS

Any gift presented to a WKEC employee for the use of the WKEC must have the prior approval of the Executive Director or the Executive Director's designee. Any gift so approved and accepted on behalf of the WKEC becomes property of the Board.

No employees 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 of which WKEC funds are expended.

IV.-G. SOLICITATIONS

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

No WKEC 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 or the Executive Director's designee.

IV.-H. POLITICAL ACTIVITIES

No WKEC employee shall promote, organize, or engage in political activities while performing his duties or during the work day. This policy does not preclude a WKEC employee from promoting or lobbying on behalf of the organization. Promoting or engaging in political activities shal include, but not be limited to, the following:

1. Encouraging fellow employees, students, etc. to adopt or support a particular political position, party, or candidate,

2. Using WKEC property or materials to advance the support of a particular political position, party, or candidate.

IV.-I. DUTIES

Prior to the authorization of any personnel position in the WKEC budget, the Executive Director, collaborating with the Board of Directors with personnel assignment responsibilities, shall develop, for Board approval, a job description which establishes all essential functions of the position. The description shall encompass supervision responsibilities, completion of records and reports, and help the WKEC meet goals established by statute and/or Board policy. Certified personnel shall also be held responsible for cooperation with students, professional associates, parents, staff, and community groups.

Reasonable accommodation shall be provided each qualifying employee with a disability to comply with the requirements of law and regulations.

IV.-J. HOURS OF DUTY

Employees shall be prompt in attendance and shall remain on duty as specified by WKEC policy or their immediate supervisor.

No employee shall leave his job assignment during duty hours without the express approval of his immediate supervisor.

IV.-K1. OUTSIDE EMPLOYMENT ACTIVITIES

No employee shall accept outside employment activities which will prevent him from fulfilling regularly assigned WKEC duties and obligations.

While performing service or undergoing training, employees who are members of the National Guard, any reserve component of the U.S. armed forces, or reserve corps of the U.S. Public Health Services shall be entitled to leave of absence from their respective duties.

IV.-K2. PERSONNEL COMPENSATION

A WKEC employee who presents a training or shares skills acquired prior to or during employment by the WKEC may receive a stipend if the event occurs on a non-work day. A WKEC employee shall not receive monetary compensation for presentation at a conference on a paid work day.

A WKEC employee may receive compensation for preparation of a presentation completed on a non-work day but presented on a paid work day. The rate of compensation shall not exceed the current daily rate of the employee.

IV.-L. PERSONNEL RECORDS

Only one (1) official personnel file shall be maintained for each employee. This file shall be maintained in the Executive Director's office and shall be under the custody of the Executive Director or the Executive Director's designee. This file may be inspected by the employee.* The Executive Director shall develop procedures to ensure the security of the files.**

Public Inspection

Personnel records contain material of a personal nature, the disclosure of which would constitute an invasion of privacy and therefore, those portions of personnel records are not open for public inspections.***

Applications of resumes of unsuccessful applicants for employment are exempt from inspection under the Open Records Law.

References:

*KRS 61.884
**KRS 61.876
***KRS 61.878; OAG 77-394; OAG 85-109; OAG 86-15
KRS 61.870-61-884
704 KAR 3.345
OAG 89-90
OAG 90-113
OAG 91-161, OAG 91-176

IV.-M. COMMUNICATIONS

General

The Executive Director shall develop specific communication procedures to Include, but not be limited to, the opportunity for problems to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing, and the appeal of complaints not satisfactorily resolved, and procedures for the orderly review and appeal of each individual complaint.

The Board will consider employee problems only after the unsuccessful resolution by the employee's supervisors. The Board will not, however, hear any complaint concerning personnel actions, unless the issue of the complaint concerns constitutional, statutory, regulatory, or policy application under KRS 161-765. Other personnel complaints will be appealed only to the level of Executive Director who shall make the final decision.

Complaints to be heard by the Board must be submitted in writing to the Executive Director at least five (5) days prior to the regular Board meeting.

Complaints are individual in nature and must be brought by the individual complainant.

Exception

Harassment/Discrimination allegation shall be governed by Policy IV.-A-3.

Reference:

OAG 78-204

IV.-N. BONDING OF EMPLOYEES/EMPLOYEE DISHONESTY INSURANCE

The treasurer/Chief Financial Officer shall be bonded in an amount sufficient to meet the requirements of Kentucky Administrative Regulation (cost provided by Board).

All employees who hold positions and are responsible for the receipt and expenditure of funds on behalf of the Cooperative shall also be covered by employee dishonesty insurance provided by the Board in an amount meeting the requirements of Kentucky Administrative Regulation.

The amount of said bond and employee dishonesty insurance policy shall be determined each year in accordance with formula established by 702 KAR 003:080.

References:

KRS 160.560; KRS 1660.640

702 KAR 003:080

V. - PURCHASING POLICIES

PURCHASING

The Executive Director is responsible for administration of the procurement function. Any delegation of purchasing authority shall be made by the Executive Director.

The Executive Director will establish procedures in accordance with KRS 45A.345 to 45A.460 regulations, and accepted business principles, to control the purchase of items by employees.

V.-A. RESPONSIBILITY AND DELEGATION OF AUTHORITY

The Executive Director may delegate to a chief purchasing officer and to other such authority as may be appropriate and necessary for the proper performance of the procurement function.

a. Any delegations of purchasing authority shall be in writing and shall be included in policies and procedures issued pursuant to these regulations.

b. Designated employees may be authorized in writing by the Executive Director to make expenditures in cases of emergency in accordance with approved procedures for subsequent approval by the Board of Directors.

c. The Executive Director shall ensure that every procurement by an employee of the West Kentucky Educational Cooperative engaged in or responsible for the performance of any procurement activity or function and constituting a final procurement action, shall be made in writing.

The Executive Director shall maintain records of all small purchases, contracts, and competitive sealed bidding results.

No Contract shall be awarded for an amount which exceeds the sum budgeted and appropriated for the procurement by the Cooperative.

The Executive Director shall establish procedures to verify the receipt of goods purchased by the Cooperative before the payment will be made for the goods ordered.

V.-B. STATE BID PURCHASING

The Executive Director may purchase supplies and equipment from the State bid price contracts. The Executive Director shall include the State bid price contract number on all purchase orders or invoices used to purchase from the State price contract.

V.-C. COOPERATIVE PURCHASING

The Board of Directors may authorize the Executive Director to enter into an agreement, subject to Board ratification, for cooperative purchasing with another public agency.

When the Cooperative contracts with another agency for supplies, services or construction pursuant to State laws, all other parties to the agreement shall be deemed to have complied with the provisions of these laws.

V.-D. SMALL PURCHASE PROCEDURES

Small purchases are hereby authorized for the procurement of necessary supplies, services, or construction, the cost and quality of which are of such that any possible savings of public funds realized through the practice of other procurement procedures would not justify the administrative time and expense necessary for the conduct of competitive sealed bidding.

Small purchases for construction services costing $2,500 or less than $750 or less for other purchases may be made from any available source of supply without obtaining quotations. Small purchases in excess of the above limits but less than $20,000 may be made only after informally obtaining three or more price quotations from responsible sources. Each determination shall be based on written findings that support the determination and shall be signed by the employee making the determination. Documentation will be attached or noted on the Purchase Order form and will be kept in the small purchase file.

Purchasing requirements shall not be fragmented or artificially divided to avoid use of other source selection methods. Categories of supplies, services or construction reasonably anticipated to be required during a fiscal year shall be considered to be one procurement for the purpose of small purchase procedures. The contract may be for any period of time that will provide the most beneficial market price to the Cooperative; provided the time period shall not be fixed for the sole purpose of avoiding the requirements of competitive sealed bidding. In determining whether supplies, services, or construction is normally supplied as a unit, the test is not that these supplies, services, or construction are closely related in their function and use.

V.-E. COMPETITIVE SEALED BIDDING PROCEDURES

The Executive Director shall develop evaluative bid procedures that permits the Board of Directors to select the bid that is in the best interest of the Cooperative.

The West Kentucky Educational Cooperative shall advertise and bid that which involves an expenditure of more than $20,000 or such other amounts as may be prescribed by statute or regulation during the fiscal year provided that this requirement shall not apply in an emergency. The Cooperative may also bid items of lesser amounts where items are categorical and a savings can be made.

If durability of the product, the quality of service or other factors are to be considered in bid selection, such factors shall be stated in the bid documents.

Notice for bidding shall state the time and place for receiving and opening of bids, the time and place where specifications may be obtained, and shall be advertised in the newspaper of largest circulation in the local jurisdiction at least once not less than seven (7) days nor more than twenty-one (21) days before the date set for the bid opening.

All bids are to be submitted in writing, typewritten or in ink and sealed; opened and read publicly by the Executive Director or designee.

No bids are to be submitted in writing, typewritten or in ink and sealed; opened and read publicly by the Executive Director or designee.

No bids may be changed after they are once submitted. This in no way prevents the acceptance of or rejection of alternates which are specified as a part of the regular bid forms and specifications.

The contract for the successful bidder shall be deemed as having been awarded when the Board of Directors has taken action at a regular or special meeting. The awardee shall receive written notice of the awarding of the contract by the Director.

In the event the lowest bid is not accepted, the Board of Directors shall record in the minutes the reason for the rejection.

A list of bidders, the general categories of bid items, and the amounts bid shall be recorded in the official minutes.

Notification of the awarding of the contract shall be given in writing to all bidders. The notice shall include a list of all bidders together with their bids.

Any bid found to be in non-compliance with any of the above items shall be considered null and void.

V.-F. NON-COMPETITIVE NEGOTIATION PURCHASES

The non-competitive negotiated process may be used instead of advertisements for bids when a written determination is made by the Executive Director showing that competition is not feasible in the following circumstances:

a. When an emergency exists that will cause public harm as a result of the delay in competitive procedures.

b. When there is a single source of the product of service to be procured.

c. When the contract is for services of a licensed professional. A professional service is one performed by a licensed professional and an activity for which a license is required.

d. When the contract is for the purchase of perishable items purchased on a weekly or more frequent basis, such as fresh fruit, vegetables, or fish.

The Board of Directors, upon the Executive Director's recommendation, shall approve all non-competitive purchases exceeding $20,000 except in a case that the Executive Director may declare an emergency in which a delay in making the non-competitive purchase will result in danger to health, safety, or property. The Executive Director shall report the declaration to the Board of Directors at the next regular meeting.

Items for resale are authorized to be purchased by non-competitive negotiation.

V.-G. COMPETITIVELY NEGOTIATED PURCHASE PROCEDURES

Competitively negotiated purchasing is authorized for the procurement of necessary supplies and services under the following conditions:

a. Bids must have been received and opened.

b. There are not sufficient budgeted funds to award the contract.

c. When the best interest of the Cooperative will not permit the delay caused by resolicitation under revised specifications and quantities.

Procedures for competitively negotiated purchases shall be established by the Executive Director and shall be in compliance with State statutes and regulations governing purchasing procedures by public agencies.

References: KRS 45A.345 through 45A.460
KRS 424.130
KRS 424.260

V.-H. SCHOOL FOOD SERVICE PROCUREMENT POLICY

OPEN BIDDING
In all applicable cases, food, food products, supplies, and equipment purchased with school food service funds shall be procured in accordance with the process and procedures established in Policy V. - I. in a manner that provides full and open competition consistent with the standards in applicable federal regulations.

CONFLICT OF INTEREST
The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by School Food Service Program Funds.

1. No employee, officer, or agent of the Cooperative shall participate in the selection or in the award or administration of a contract supported by Program funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:

a) Cooperative, officer, or agent;
b) Any member of his/her immediate family;
c) His/her partner;
d) an organization that employs or is about to employ one of the above.

2. Cooperative employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. In determining whether an item is an impermissible gratuity or of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [$50] value) set forth in KRS 45A.445 shall apply.

3. The purchase during the school day of any food or service from a contractor for individual use is prohibited.

4. The removal of any food, supplies, equipment, or school property such as records, recipe books, and the like is prohibited.

Failure of any employee of the Cooperative to abide by the above-stated code may result in disciplinary action, including but not limited to, a fine, suspension, or dismissal.

REFERENCES

2 C.F.R. 200.318; 2 C.F.R. 200.320
KRS 160.290; KRS 424.260
KRS 45A.345-KRS45A.460
702 KAR 6:010

RELATED POLICY: V.-I.

V.-I. SCHOOL FOOD SERVICE BIDDING

AUTHORITY
Bidding procedures shall conform to the Model Procurement Code, KRS 45A.345 - KRS 45A.460.[1] All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.[2]

The Cooperative may purchase supplies and/or equipment outside an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board, or a Cooperative bid if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed $2,500; and
4. The Cooperative's finance or purchasing officer has certified compliance with the first and second requirements.

FEDERAL AWARDS/CONFLICT OF INTEREST
No employee, officer, or agent of the Cooperative 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.[7]

The officers, employees, and agents of the Cooperative 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 including, but not limited to, suspension, dismissal, or removal.

ETHICAL STANDARDS
To avoid conflicts that may arise during the decision-making process for procurement of services and products for the Cooperative, 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 the Cooperative, the Board of Directors 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.[3]

EXEMPTIONS
Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.[7]

PRICE REDUCTIONS
Price reductions may be accepted on supplies and/or equipment being offered by the vendor with whom a price agreement has been made if the supplies and/or equipment meet all terms and conditions specified in the price agreement except for price and if the price reduction is offered to all participants in the price agreement. Price reductions may be accepted even if the reduced price requires the purchase of a specified quantity of units from the quantity stated in the original price agreement.

SMALL PURCHASES
Cooperative small purchase procedures may be used for any contract in which the aggregate amount does not exceed $20,000.[5]

REFERENCES:
[1]KRS 45A.343
[2]KRS 45A.070; KRS 160.290; KRS 45A.380
[3]KRS 160.303; 200 KAR 5.400; KRS 45A.494
[4]KRS 156.076
[5]KRS 45A.385
[6]KRS 160.380
[7]2 C.F.R. 200.318
OAG 70-501; OAG 82-170; OAG 82-407
KRS 45A.345; KRS 45A.360; KRS 45A.365; KRS 45A.370
KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620
Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:
V.-B.

APPENDIX A

APPENDIX B

STATEMENT (CODE) OF ETHICS

THE WEST KENTUCKY EDUCATIONAL COOPERATIVE (WKEC)

Because the West Kentucky Educational Cooperative (WKEC) exists primarily to assist member school districts in providing educational opportunities for students and in operating successful schools, it is important and necessary that the professional behavior of the employees and members of the organization conform to an ethical code. The WKEC recognizes that its code of ethical behavior must be both idealistic and practical if it is to serve all segments of the organization. The organization acknowledges its responsibilities to the member school districts it serves and is committed to the highest possible ethical standards in doing so. As the WKEC strives to support educational excellence, it offers the following Statement of Ethics to guide its many educational endeavors:

1. Acknowledges that the health, safety, and emotional and intellectual well-being of students provides the first and greatest concern of all decision making and actions.

2. Maintains the highest possible standards and seeks to improve the effectiveness of member schools through research and continued professional development.

3. Shall exemplify behavior which maintains the dignity, honesty, and integrity of the WKEC and the education profession.

4. Attempt to attend or have a representative attend all scheduled board meetings and other appropriate WKEC planned professional events and activities.

5. Recognizes that members should endeavor to make policy decisions only after full study and discussion at a scheduled meeting.

6. Refuses to accept gratuities, gifts or favors from vendors or others selling goods and services that might influence or appear to influence professional judgment or obtain a specific advantage.

7. Avoid being placed in any position where a conflict of interest might develop and refrain from using membership in the WKEC for personal gain.

8. Obey all local, state, and national laws and implement the policies and procedures of the WKEC.

ETHICS COMMITTEE

W.A. Franklin, Chair
Harry Loy
Larry Salmon
Gayle Ecton
Gary Pack
Dennis Lacy
Jack Rose
Don Sparks

APPENDIX C

ADMINISTRATIVE PROCEDURES

Purchase Order Procedure

Prenumbered Purchase Order forms shall be assigned by the Executive Director to each department.

Any employee desiring to make a purchase shall complete a Purchase Order form. A separate form shall be completed for each vendor. On the Purchase Order form, the type of supply source (e.g., bid, single source, small purchase) shall be indicated.

Completed Purchase Order forms in excess of $250 shall be approved by the department head or Executive Director.

Copies of Purchase Orders shall be distributed as follows: original mailed to vendor to process order, one copy to bookkeeper, one copy to accompany payment, one copy to be filed with payment voucher and invoice.

Upon receipt of an approved order, the Purchase Order form shall be attached to the invoice and submitted to the department head and Executive Director for payment approval.

Approved Invoices with Purchase Order attached shall be forwarded to the bookkeeper for payment and filing.

Prequalifications, suspension, disbarment, and reinstatement of prospective bidders

The Board of Directors or designee may elect to prequalify supplies/bidders based on experience, proven ability to perform or supply, availability to service and/or repair, and other qualifications appropriate to ensure quality performance or supplies/equipment.

The Board of Directors or designee may elect to suspend or disbar a bidder/supply from providing services if it finds that contract agreements have been violated and/or that inferior services, supplies/equipment have been provided as part of the contract.

The Board of Directors or designee may elect to reinstate a bidder/supply after certain conditions have been met as outlined by the Board or designee.

FEE STRUCTURE PROCEDURES

In March the Executive Director sends to each board members the proposed fee structure for the following fiscal year along with a letter reminding districts that to withdraw from the WKEC or to significantly change services, notice must be given to the WKEC sixty days prior to fiscal year end. Notice of withdrawal from any consortium must be received by April 30 of the current year.

At the May Board Meeting, a fee structure shall be adopted.

In June, after the Fee Structure is approved, a bottom-line invoice will be sent to each member district. The invoice will be supported by the fee structure questionnaire completed by each district and details of each consortium billing.

Invoices will be payable July 1.

The basic membership fee will be prorated for a district which joins the WKEC after fiscal year has begun. Fees for menu items may be prorated, if equitable for both parties.

SALARY INCREASE PROCEDURES

The Executive Director annually requests from the other educational cooperative in Kentucky information concerning proposed salary increases for certified and classified personnel.

Prior to the development of budgets for WKEC consortia, districts will be polled to determine anticipated salary increases for certified and classified personnel.

Information gathered shall guide the Executive Director in determining appropriate salary increases to recommend for WKEC personnel.

After salaries are determined for the following school year, the Executive Director will survey, once again, to determine if salary increases given to WKEC employees are representative of those within the region.

EXPANSION PROCEDURES

Superintendents will talk with the superintendent of the potential new member district and may accompany the Executive Director in visiting the district.

A survey will be completed by the district requesting membership. Information requested will include the demographics of the district, WKEC services in which the district is interested, and the contribution the district offers to the WKEC.

Districts applying for membership will be considered by the full board; the decision to accept a new member shall be influenced by whether the addition will benefit/enhance the mission of the WKEC and whether the addition of the district will be manageable administratively.

An orientation to the WKEC will be conducted for the new district by current board members and appropriate staff.

A WKEC Board Meeting will be held in the new member district as soon as it can be conveniently scheduled.

ISSUES COMMITTEE PROCEDURES

Committee will accept Issue Proposal Forms from individuals, groups, and organizations; issues may be raised informally at Board of Directors Meetings.

Committee will determine if the issue(s) presented is consistent with the mission and belief statements of the WKEC and will determine whether or not the issue(s) presented is legitimate and worthy.

Decisions made by the Committee will be based on a majority vote. All proposals will be brought before the full Board for review; Committee may make a report to the full board or individual, when appropriate.

LEGISLATIVE POLICY

Any sitting legislator or candidate (state or national) who wants to address the WKEC may do so. The legislator or candidate, not a representative, who wishes to address the WKEC shall contact the Executive Director who will offer the following options: (a) meeting with the superintendents during a Roundtable Session, (b) meeting with the Legislative Committee, or (c) addressing the WKEC Board of Directors for a limited time period.

CRIMINAL RECORDS CHECKS PROCEDURES

WKEC shall screen all new employees who will have direct contact with students for a criminal past history. The Executive Director, or designee, shall require all new employees to submit to a thumb print criminal records check as part of the initial employment process. WKEC will use the criminal records check service provided by the Kentucky State Police. WKEC 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 qualified for final employment. 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 Result if it reveals behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children.

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 records check. 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.

APPENDIX D

POLICY: TECHNOLOGY AND PRIVACY IN THE WORKPLACE

Purpose: The purpose of this policy is to assert Management's control over office technology devices and the limitation of employee's privacy rights in the use of such technology.

Scope: This policy applies to all employees.

It is the policy of the West Kentucky Educational Cooperative to provide for employees technology systems that improve their efficiency and overall effectiveness to carry out their work assignments. Employees who accept and use technology systems provided by management cannot assume the information stored on such systems is private. Due to the need for periodic maintenance and emergency repair of technology equipment and programs, management must have unlimited access to employee's electronic files stored on the office electronic networks. Likewise, in the maintenance of voice and e-mail messages, the Internet access, management may need to access those files as may be necessary to ensure the proper operation of those systems.

It is not the intent of management to intentionally inspect the contents of employee's computer files, e-mail, or voice mail or use of the Internet, in the normal day-to-day operation of office electronic equipment. However, employees must be aware that management's obligation to maintain equipment and software programs overrides, the privacy of individuals who use the equipment.

Non-management employees are prohibited from inspecting the computer files, voice mail, and e-mail messages of other employees without their expressed consent.

Technology systems covered by this policy include the telephone voice mail, computer networks, Internet access and electronic mail. Employees are responsible to use these devices for business purposes only. The intentional misuse or abuse of technology provided by management may result in disciplinary action.

If the Cooperative determines that any employee has violated this policy, the offending employee will be subject to immediate discipline up to and including termination of employment.

ACCEPTABLE USE OF ELECTRONIC INFORMATION RESOURCES AND TECHNOLOGY POLICY

BACKGROUND

The West Kentucky Educational Cooperative (WKC) has invested in electronic information resources and technology in order to increase the productivity of employees.

This policy is based on the assumption that the majority of WKEC employees want to use information technology appropriately, but may be unaware of the laws, and regulations, and WKEC expectations guiding use. The adoption of an acceptable use policy involves educating all employees and providing legal and disciplinary boundaries for those who may contemplate misuse.

PURPOSE AND INTENT

The WKEC has adopted an Acceptable Use Policy (AUP) to guide access to information in electronic media, to information technology, and to networks. The purposes of this policy are: (1) to educate; (2) to provide protection against violations of privacy and misuse of WKEC resources, inappropriate or destructive behaviors which occur as a result of employee access to electronic information resources; and (3) to ensure that the technology resources of WKEC are dedicated to improving service and raising productivity.

Each employee of the WKEC shall sign an Acceptable Use Policy Statement acknowledging awareness of the policy and understanding of individual responsibility related to policy compliance.

APPLICABILITY

This policy applies to all employees.

RESPONSIBILITY FOR COMPLIANCE

Members of the WKEC Administrative Team (Executive Director and Program Directors) are responsible for assuring that employees within their organizational authority are oriented to the provisions of this policy, that compliance is expected, and that intentional inappropriate use may result in disciplinary action.

Each individual is responsible for his/her own actions and the actions of those he/she knowingly permits to use assigned resources and passwords.

INFORMATION TECHNOLOGY RESOURCES

WKEC's provision of technological resources includes the local area network, the telephone/voice mail system, e-mail, and internet access. In addition, WKEC has invested in desktop and laptop computers, printers and other peripherals. WKEC has made and continues to make investments in technology with the following expectations concerning the use of technology by employees:

1. Productivity will increase. Work products can be produced and services can be delivered with greater accuracy and in less time and, in most cases, at less cost.

2. Decision-makers will have rapid access to more complete and accurate information.

3. Communication among staff, between the staff and their customers, and with the public will improve. Services and information will be more widely and equitably accessible.

4. Public employees and public organizations will be more accurate.

Identifying Appropriate and Inappropriate Use

Decisions about appropriate and inappropriate use of information technologies can be based on the same criteria, which guide decisions about use of other public agency assets.
For instance:

- Public resources may not be used for private business or personal gain;
- Copyrights must be respected and authorship must be appropriately acknowledged;
- Vandalism, theft, prying, and willful destruction will not be tolerated; and
- Passwords, personal access numbers, and security codes must not be exchanged or disclosed.

It is usually helpful to ask oneself these questions to determine if the Appropriate Use Policy is being violated:

- Am I violating any other laws, regulations or policies? Have I protected individual privacy rights?
- Is this directly in support of my job duties and responsibilities?
- Does the way I am using technology adversely affect the productivity of others without good cause?
- If someone observed me doing this, either a colleague or member of the public, would I be uncomfortable? Would it give the impression that I was not doing my job or that this organization was misusing public funds?
- If I were saying it in e-mail, would I say it in person?

MISUSE OF INFORMATION TECHNOLOGY AND THE LAW

Kentucky statutes identify criminal penalties for:

Criminal damage to Property Law Class D Felony KRS 512.020: A person is guilty of criminal mischief when, having no right to do so or any reasonable ground to believe that they have such a right, they intentionally or unintentionally deface, destroy, or damage any public agency data or technology property (data, computer programs, computer systems, computer networks, computers, etc.)

Unlawful Access To a Computer, Class C Felony Kentucky Criminal Statute KRS 434.840-434.860: A felony may be committed when an individual goes beyond assigned duties to: knowingly and willingly, directly or indirectly, access, cause to be accessed, or attempt to access a computer system, data stored in a computer, or a network purpose of altering, damaging, or destroying data or technology.

These laws do not prohibit systems administrators or others from examining files, transaction logs, or other information about an individual's use of technology if that examination is within the scope of their assigned responsibilities. If an employee with such responsibilities misuses his/her authority or the information to which s/he has access, s/he is also subject to discipline or penalty.

If an employee is absent from work or unavailable, the employee's supervisor may be provided with access to the employee's workstation, files and email account without the employee's prior notice or permission.

Pornography, Sexual Harassment, and Other Objectionable Materials: The introduction of internet access and the ease with which electronic images and files may be transported increases the risk that pornography and other objectionable materials will be copied, created, or distributed through the use of public agency information resources. Pornography viewed by others inadvertently may constitute grounds for sexual harassment. Objectionable materials would include information from hate groups, information posted to harass or threaten, etc.

It is a violation of the Acceptable Use Policy to send, receive, store, create, display, or transmit pornography and other objectionable materials using WKEC resources. This includes, but is not limited to:

- Placing such materials on or retrieving them from a public agency fileserver, hard drive, or other storage media;
- Sending or receiving pornography and objectionable materials through the network;
- Using public agency resources and/or network access to download from or post such materials to personally owned devices.

Copyright: Most software and much of the information posted on the internet are copyrighted. Before software can be loaded on a computer or fileserver, WKEC must have the legal right to install that particular version of the software. The software license will specify whether the rights purchased are for a single user on a single workstation, for multiple users, or for multiple

workstations. Software may not be copied or shared outside the provisions of the agreement with the software publisher. Violations of software licensing agreements may constitute serious infractions of federal law and the violator may be subject to civil and/or criminal penalties.

Do not:

- Copy software without authorization from the publisher or copyright holder;
- Use software for which you do not have proof of legal right;
- Copy information or programs from the internet and re-use or distribute it without acknowledging authorship and source;
- Assume that you can load the older version of software on another workstation when you install a software upgrade; and
- Take over a workstation without ensuring that the software already loaded is legal. When you assume responsibility for the workstation, you assume responsibility for the software.

TECHNOLOGY AND GOOD PRACTICE

Avoid the "Futz" Factor: Industry studies estimate that the "Futz" Factor (as in "futzing around") consumes an average of five (5) hours per week for each computer user. The Futz Factor is the amount of time users spend in non-productive, non-work related use of PCs and networks such as playing games, working on personal correspondence, chatting on email or the internet, changing screen savers, and roaming the Web. As well as adversely impacting individual and organizational productivity, such use overloads the network and takes resources from legitimate activities.

Games: Games are not to be installed or played on WKEC computers. The internet is not to be used for the playing of games or participation in contests. Games are very resource intensive: remote access to games uses huge amounts of bandwidth and storing games on hard drives takes up space as well as memory. (Instructional games and game-like software being evaluated or reviewed by staff in the course of their jobs are excluded from this prohibition.)

Personal Gain: use of WKEC technology for the following is strictly prohibited:

- A private business;
- A non-related club or organization;
- Obtaining money, property or services for personal or private sector use; and
- Political or religious purposes.

Netiquette: A single individual using technology inappropriately can dramatically affect response time on the network. Having access to the network means having access to a shared highway or pipeline for sending and receiving information. This highway has limited capacity and can support only a certain amount of traffic at one time. Users should consider the impact of the work they are doing on the entire network, even when the work is well within the scope of the job. When possible, save resource intensive work for off-peak hours. Remember that images are

particularly resource-intensive: one complex image may have resource requirements equivalent to that of 25,000 electronic mail messages.

Electronic Mail is Immediate and Irretrievable! When email leaves your mailbox, it cannot be retrieved and its contents cannot be guaranteed to be confidential. Use good judgment and professional communications techniques when you use email. A time when you are extremely angry and frustrated is not a time to send email. If you would not make a statement to someone directly or would not put the content of your email in a memorandum, you should not send the same message via email. Also, remember that email can be forwarded to thousands of people within seconds without your approval, either intentionally or unintentionally.

Security: Security is every user's responsibility. If a user identifies a security problem within the network, that user is obligated to report the suspected problem to a systems administrator. Do not demonstrate the problem to other users.

Guidelines

- The user is responsible for the security of his/her user account. If passwords are distributed to others, the user is responsible for the actions of those to whom access is given. If the user leaves the workstation unattended with applications open, the user is responsible for inappropriate use or security violations, which result. Choose and protect your passwords carefully. A good way to help secure your workstation temporarily is to set a screensaver password.
- ALWAYS complete a virus scan before loading information you obtain by diskette.
- The use of "power on" passwords is not to be incorporated into the startup feature of any personal computer. Discuss storage of highly confidential information with the WKEC network administrator.
- Downloading programs from bulletin board services and installing personal shrink-wrapped software onto WKEC computers and/or networking environment is strictly prohibited without written approval from the network administrator. Bringing in such software increases the risk of viruses.

Use electronic mail to: Share-time critical information quickly; hold group discussions in lieu of a meeting; solicit comments from a wide audience; solicit comments from those who may be hesitant to speak up in meetings; alert a wide audience that a document is posted on the web instead of mailing everyone a large attachment. **Do not use electronic mail to:** conduct personal business or carry on personal relationships; rebuke, embarrass, or strike-out at others; send chain letters and other non-work related correspondence; solicit money or participation in political or religious activities.

PASSWORD SECURITY: Make your password(s) difficult to guess and at least six characters long. Do not select passwords that would be obvious to others (children's names, birth dates, etc.) Do not write your password down and leave it in an obvious place. Do not give your password to anyone claiming that they have the authority to demand and receive it unless you are certain who they are and why they need it. **LOG OUT OF THE SYSTEM OR USE A SCREENSAVER PASSWORD WHEN YOUR WORKSTATION IS UNATTENDED.** Avoid leaving your workstation unattended with open applications unless a screensaver password is active.

BACK-UP FILES: Back-up critical files in more than one location, such as hard drive and diskette, or hard drive and server, or your office and another office. Do not maintain only a single copy of a critical file. Do not maintain your only copies on the same storage device or in the same location.

WKEC
ACCEPTABLE USE AGREEMENT
FOR USE OF ELECTRONIC INFORMATION RESOURCES
AND TECHNOLOGY

I, _____, have read the WKEC Acceptable Use Policy for Electronic Information Resources and Technology.

By my signature, I am agreeing to comply with this policy.

_____
DATE

_____
SIGNATURE

_____
TITLE

APPENDIX E

WKEC SICK LEAVE BANK POLICY

MEMBERSHIP

Upon receipt by the Executive Director of a signed statement of intent, any 180+ day certified employee or 37.5 hours per week classified employee who has accumulated sick leave days may participate in the sick leave bank. The commitment to participate in the bank must be made between July 1 and October 1of each fiscal year. New employees hired after October 1 shall be granted a thirty (30) day period of enrollment following the employment date. Once participation has been declared, the employee shall be annually enrolled in the bank until he/she withdraws via written request.

CONTRIBUTIONS

Each employee who is a member shall annually contribute to the sick leave bank one (1) day from his/her sick leave accumulation. Unused days in the bank shall accumulate without limit.

The sick leave bank may be opened for enrollment of participating members at any time the balance of days is available falls below one hundred (100) days.

Sink days contributed to the bank shall be deducted from the sick leave days available to the contributing employee.

The day or days, once contributed to the bank, become the property of the bank and may not be reclaimed by the employee except as specified in this policy. Only employees who are members of the sick leave bank in any given year shall be eligible to draw from the sick leave bank. Members may not designate contributed sick leave days to be used by an individual or group of individuals, nor shall members be eligible to withdraw days from the bank concurrent with disability insurance benefits.

ELIGIBILITY

After an employee has exhausted all accumulated sick leave and emergency days, and has missed a minimum of five (5) additional days without compensation, the employee may request additional sick leave from the WKEC Sick Leave Bank for reason of personal or immediate family medical certified illness, injury, or impairment.

Upon approval of the Sick Leave Bank Committee, benefits may be granted up to a total of 25 days in one fiscal year. Days granted but not used shall be returned to the bank by the end of the fiscal year, and the member's usage record shall be adjusted accordingly.

A member may apply sick leave bank days in whole or half day increments.

SICK LEAVE BANK COMMITTEE

The Sick Leave Bank Committee shall be comprised of five (5) members. Two (2) members shall be certified/professional employees selected from among the certified/professional staff. Two (2) members shall be classified/support employees selected from among members of the classified/support staff. One (1) member shall be an administrative employee appointed by the Executive Director. Certified and classified committee members shall serve two (2) year terms. The administrative committee member shall serve a three (3) year term. The committee shall elect its own chair.

No committee member shall rule on any usage application which pertains to himself/herself or to an immediate family member.

Committee members must vote to approve an application before sick leave bank days may be granted to the applicant. Final approval of all sick leaves shall be vested in the Board of Directors.

APPEAL

Should the Sick Leave Bank Committee determine that a member's request does not meet eligibility requirements, the member may appeal to the Personnel Committee. The Personnel Committee shall hear the request at the next regular meeting of the Board of Directors and render a decision.

DISCONTINUATION

In the event that the bank is discontinued, all employees who are members of the bank at the time of discontinuation shall remain members without additional contributions until all days in the bank are exhausted.

WKEC SICK LEAVE DONATION POLICY

DONATIONS

Any 180+ day certified employee or 37.5 hours per week classified employee who has accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another 180+ day certified employee or 37.5 hours per week classified employee who is eligible to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who have donated days.

ELIGIBILITY

An employee may receive donations of sick leave if the following event has occurred:

After an employee has exhausted all accumulated sick leave and emergency days, and has missed a minimum of five (5) additional days without compensation, the employee may request additional sick leave from the WKEC Sick Leave Bank for reason of personal or immediate family medical certified illness, injury, or impairment.

An employee's need for additional sick leave days from the WKEC Sick Leave Bank must be certified by a licensed physician or health care provider.

An employee is only eligible to receive donations of sick leave if the employee has exhausted the employee's accumulated sick leave, personal leave, and any other leave granted by WKEC policy.

Request to Donate Sick Leave

An employee wishing to donate sick leave days to another employee shall submit the completed top portion of this form to the Executive Director. The receiving employee shall be responsible for providing any required statement of need certified by a licensed physician. (Attach physician's statement to this form.)

Name:_____

Social Security Number: _____

Number of Sick Leave Days I Wish to Donate: _____

NOTE: *The number donated may not reduce the employee's accumulated sick leave balance to less than fifteen (15) days.*

Employee to Whom I Wish to Donate Days: _____

_____ _____

Donating Employee's Signature ***Date***

To be completed by the Executive Director:

The employee to whom sick leave days are to be donated ___ is eligible___ is not eligible to receive the days based on the following criteria:

- The donating employee's sick leave balance will not fall below fifteen (15) days.

- The receiving 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.

- As appropriate, the receiving employee's need for the absence and use of sick leave are certified by a licensed physician (**as attached**). The physician's statement must clearly state that the employee will be absent in excess of ten (10) working days and give an estimated date for the employee's return to work.

- The receiving employee has exhausted his/her accumulated sick leave and any other paid leave granted by WKEC.

- The receiving employee has complied with WKEC's policies governing the use of sick leave.

Sick Leave Bank Donation Form
New Members

Signature_____ Date _____

WKEC Department _____

The WKEC sick leave bank policy allows full-time WKEC employees to donate any number of sick leave days to the bank. Upon donation, the employee becomes a sick leave bank member and may, after meeting eligibility criteria, request up to 25 sick leave days for extended personal or family member illnesses. **Donation to the sick leave bank is strictly voluntary, and all donations are kept confidential.**

If you wish to become a member of the sick leave bank, please initial each of the following statements:

_____ I would like to donate _____ day(s) to the sick leave bank. The minimum donation is 1 day; there is no maximum.

_____ I understand that once I declare my participation in the sick leave bank, I will be annually enrolled in the bank at the rate of 1 sick day per year unless I withdraw from the bank via written request.

_____ I understand that any donated days become the property of the bank and may not be reclaimed at any time.

Return this form to:

Katrina Carr
201 General Services Building
Murray, KY 42071
270-809-6969

Procedure for Requesting Days from Sick Leave Bank

1. Complete the top portion of the application form. It is the applicant's responsibility to determine whether sick leave and emergency leave has been exhausted or the anticipated date that both will be exhausted, if it has not been exhausted at the time of application.

2. Return the form to Todd Warren, 201 General Services Building, Murray, KY 42071

3. The Director of Finance will verify eligibility.

4. The Sick Leave Bank Committee will meet to approve the request and the number of days.

5. Upon approval of the request, the Chair will sign the approval form and circulate the form to the WKEC Executive Director.

6. The Executive Director will petition the WKEC Board of Directors for final approval.

7. Upon final approval, the Committee chair will notify the applicant and the applicant's supervisor of approval.

8. If the Sick Leave Bank Committee denies the request, the Chair will immediately report such action to the WKEC Executive Director and the applicant. Appeals of Sick Leave Bank Committee decisions will be addressed by the WKEC Personnel Committee at the next regularly scheduled meeting of the Board of Directors.

Sick Leave Bank Eligibility

(WKEC Policy Manual, Appendix E, Contributions) Only employees who are members of the sick leave bank in any given years shall be eligible to draw from the sick leave bank.

(WKEC Policy Manual, Appendix E, Eligibility) - After an employee has exhausted all of his accumulated sick leave and emergency leave days and has missed at least five consecutive days without pay, he may draw from the sick leave bank for such time as he or a member of his immediate family is suffering 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 10 days.

Immediate Family Member – (WKEC Policy Manual, page 30) – The employee's spouse, children (including stepchildren), parents, spouse's parents, grandparents, spouse's grandparents, daughters-in-law, and sons-in-law without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

Sick Leave Bank Request Form

Name: _____ SS#: _____

WKEC Department:_____ Supervisor: _____

I make application for _____ day(s) from the sick leave bank because I or my immediate family member is suffering from a medically certified illness, injury, impairment, or physical, or mental condition that has caused or is likely to cause absence of at least 10 days.

Specific reason for request (If requesting days because of a situation with an immediate family member, please specify relation to you.)

_____

_____

Have you exhausted your sick and emergency leave? _____ Yes _____ No

If no, please detail your plan (i.e. give dates, etc) for when you anticipate having your leave exhausted. _____

_____ _____

Signature of Employee Date of Request

For Sick Leave Bank Committee Use Only

Verification of Eligibility (by Finance Director):

1. Is the applicant a member of the sick leave bank? _____ Yes _____ No

2. Give dates of when the applicant will miss 5 consecutive days with no pay. _____

_____ _____

Director of Finance Signature Date

Action of Committee:

_____ Approved Unconditionally Number of Days: _____

_____ Approved Conditionally* Number of Days _____
Days will be granted upon applicant meeting eligibility criteria.

_____ Denied Reason _____

_____ _____

Signature of Sick Bank Committee Chair Date

WEST KENTUCKY EDUCATIONAL COOPERATIVE
Sick Leave Bank
Unused Days Donation Form

The WKEC Sick Leave Bank policy encourages employees to donate unused sick days to the bank after ending employment with the organization. Upon termination of employment, a WKEC employee may transfer unused days if s/he is beginning employment with a public school district or state agency. Also, after ten years of service to the WKEC, an employee will receive a payout for unused sick leave at 30 percent of his/her daily rate upon retirement.

If neither of these situations applies, the balance of unused sick days after termination of employment is no longer a benefit to the employee. Therefore, unused days may be donated to the sick leave bank ,allowing another WKEC employee to use them, provided s/he meets the eligibility criteria.

If you wish to donate unused sick days to the sick leave bank, please indicate by signing below.

Number of days unused sick leave _____

I wish to donate _____ unused sick days to the WKEC Sick Leave Bank.

_____ _____

Date **Signature**

Witness: _____

APPENDIX F

WEST KENTUCKY EDUCATIONAL COOPERATIVE
TRAVEL POLICY AND PROCEDURES

General

The purpose of the West Kentucky Educational Cooperative Travel Policy is to establish guidelines for the authorization and documentation of employee travel expenses. This policy is intended to require employees traveling overnight or outside of the Cooperative service region to obtain prior, written authorization and approval of estimated expenses. Additionally, this policy sets forth reimbursement rates for business mileage incurred with an employee's personal automobile and allowances for meals and incidental expenses incurred while traveling in the discharge of official Cooperative business.

Authorization

Generally, non-overnight travel within the Cooperative's service region (member districts) does not require prior approval by the Executive Director. Employee travel within the service region is generally ineligible for meal reimbursement except for expenses incurred for dining/entertaining Cooperative member constituents.

All overnight travel and travel outside of the Cooperative's service region requires prior approval of the Program Director and the Executive Director. Approval is demonstrated by submission of an Out of District Travel Authorization Form in advance of any planned trip. Prior to any overnight and/or out of district travel, all anticipated costs of a trip should be estimated and submitted for approval.

Travel Expenses

1. Mileage - Employees may be reimbursed for business use of a personal automobile by submitting details of such travel (i.e. dates, destination, purpose, mileage) on a Travel Voucher signed by the employee. The Cooperative will reimburse employees for business use of a personal auto by applying the Kentucky mileage reimbursement rate to the distance traveled. The Kentucky mileage reimbursement rate is determined using the American Automobile Association Daily Fuel Gauge Report for Kentucky for regular unleaded gasoline and is adjusted quarterly. Mileage reimbursement is available for travel within or outside the Cooperative's service region and does not require an overnight stay.

2. Meal Expenses - The Cooperative will reimburse employees for meals incurred only during overnight travel, unless a group meal including non-employee WKEC constituents (where cost will be fully reimbursed by the Cooperative or billed to WKEC/paid with Cooperative credit card). Reimbursement for meals will be based on current effective federal per diem rates and Kentucky Office of the Controller guidance. High rate per diems will be used where applicable according to the U.S. General Services Administration for the travel destination. Employee must be in "travel status" during mealtime hours in order to be eligible for that meal's per diem, using the following table:

Standard Per Diem

Meal	Meal-Time Hours	Reimbursement Amount (eff. 4/2005)
Breakfast	6:30 - 9:00 a.m.	$7.00
Lunch	11:00 a.m. - 2:00 p.m.	$8.00
Dinner	5:00 - 9:00 p.m.	$15.00

Per diems will not be paid to employees where an "included meal" was available in connection with the meeting/convention/event being attended.

Per diems are intended to include any gratuities for meals.

No receipts will be required to substantiate meal per diems.

3. Lodging - Expenses for lodging should be direct billed to the Cooperative (whenever possible) or may be charged to the WKEC credit card. Lodging receipts are required to be retained and attached to invoice (or credit card statement) for payment. An individual employee may be reimbursed for lodging expenses if otherwise unavoidable. In such instances, employee will be required to provide detailed explanation and obtain approval of the Program Director and Cooperative Executive Director for reimbursement.

4. Incidentals - Allowable reimbursement for incidentals shall be limited to $20 per night for parking, tolls, and other reasonable expenses (i.e. baggage handling) with receipts required to document reimbursement. Other incidental expenses may be approved by the Executive Director or designee if they are determined to be necessary expenses of official travel.

5. Rental Transportation - The Cooperative generally discourages the use of rental cars. However, instances may occur when a rental vehicle is more cost effective. For example, multiple airport shuttle services for group travel versus a single rented vehicle. If a rental vehicle is necessary, approval should be obtained from the Program Director and Executive Director with explanation to be included with the travel voucher.

Submission of Expenses

Within ten days (10) following travel, employees are to submit actual expenses for travel costs incurred utilizing a Travel Voucher form for reimbursement. This form should detail all reimbursable, out-of-pocket expenses incurred by the employee including mileage, registrations, lodging, and incidental expenses (with receipts attached). A copy of the approved Out of District Travel Authorization form should also be attached to this Travel Voucher. The Travel Voucher and attachments are submitted to the employee's Program Director for approval and processing by accounts payable personnel.

Documentation of items direct-billed and items purchased utilizing the Cooperative's credit card (i.e. lodging, registrations, airline, group meals) are to be attached to the invoice or credit card

statement and submitted to the Program Director for approval and processing by accounts payable personnel. A copy of the approved Out of District Travel Authorization form should also accompany with items being paid directly to the vendor highlighted.

Cost Effectiveness

Employees and Program Directors are expected to evaluate all planned travel to maximize the benefit to the Cooperative and furtherance of the organization's mission. Reasonable measures should be taken to ensure that travel expenses incurred are economical and in keeping with the goal of stewardship of Cooperative resources.

Expenses for travel items such as airfare and lodging must conform to Cooperative's price bidding/quotation requirements to ensure cost effectiveness. These procedures require, for purchase exceeding $750, a minimum of three price quotations from responsible sources to be obtained and evaluated against Cooperative needs. Price quotations may be obtained informally, but must be documented by attachment or noted on Out of District Travel Authorization Form.

Additional Information Sources

Kentucky Finance and Administration Cabinet, Office of the Controller, Travel Info
http://finance.ky.gov/internal/travel/

U.S. General Services Administration, Domestic Per Diem Rates
http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0

Forms/Attachments

Out of District Travel Authorization Form
Travel Voucher

Effective Date

July 1, 2005

West Kentucky Educational Cooperative
Out of District Travel Authorization Form

Employee(s) should complete and submit this travel form to the Program Director and Executive Director WELL IN ADVANCE of any planned trip OUTSIDE of the Cooperative service region. Once approved, this form will be returned to the employee(s) and must be attached to completed Travel Voucher for payment.

EMPLOYEE(s): _____
DEPARTMENT: _____
DESTINATION: _____
PURPOSE: _____
TRAVEL METHOD: _____
DEPARTURE DATE: _____ TIME: _____
RETURN DATE: _____ TIME: _____

Comments/Guests & Other Attendees: _____
_____
_____

ESTIMATED EXPENSES: Invoice Sent TO WKEC
Transportation
Airfare (if any) _____ ↖
Mileage @ 0.↖/mile _____
Registration/Fees: _____ ↖
Lodging: _____ ↖
Meals: Breakfast _____
(Per- Lunch _____
Diems) Dinner _____
(per diems restricted to overnight travel)
Other (prkng, tolls, etc) _____
TOTAL EXPENSES _____

Employee Signature _____ Date _____
Signature certifies that the travel will be incurred in the discharge of official WKEC business, and all information is accurate to the best of the employee's knowledge.

Program Dir. Approval _____ Date_____
Acct/Project Coding _____
Approval of the Program Director affirms that the Grant/Project budget exists for these expenses and that the travel requested is a valid use of those funds.

Executive Dir. Approval _____ Date _____
(or Exec. Director Designee)

↖ Are any meals included with registrations or other conference fees?
If so, no meal allowance/per diem should be included for meals where an "included meal" was available to attendees.

Registrations/Fees should be submitted on Purchase Order well in advance of travel with an attached copy of the approved Travel Authorization form.

Hotel reservations and airfare (where applicable) should be direct billed to the Cooperative whenever feasible. Or these may be secured by use of the WKEC Purchasing/Credit Card with prior approval.

Attach copy of approved Travel Authorization to Employee Travel Voucher along with receipts for any out-of-pocket, reimbursable incidentals. Additional copies of approved Travel Authorization should accompany hotel, airline, and WKEC credit card billings submitted for payment of direct billed items with appropriate receipts.

For complete travel guidelines, please review Travel Policy in the WKEC Policies and Procedures.

APPENDIX G

Administrative Procedure Regarding Compensation of Professional Development Presenters/Providers

Public school personnel and Murray State University faculty and staff shall be compensated at the rate of $300.00 per day when presenting or providing professional development sessions for the West Kentucky Educational Cooperative. A day is defined as a minimum of four (4) hours of training. For sessions/training less than four (4) hours in length, the rate of compensation shall be prorated.

Compensation for external consultants and trainers shall be set through negotiation and shall be in accordance with perceived value and market demand and shall be contingent upon the approval of the Executive Director of the West Kentucky Educational Cooperative.

Professional Development Program and Activities
Cancellation Policy for Professional Development Activities

Participants who pre-register for any event sponsored by the West Kentucky Educational Cooperative or the West Kentucky Instructional Improvement Cadre must notify the event coordinator, or the Executive Director of the West Kentucky Educational Cooperative, by email, personal contact, or telephone conversation, forty-eight (48) hours in advance of the scheduled event in order to obtain a refund, or defray district billing for the advertised participant cost.

Pre-registered participants who experience an emergency, over which the individual has no control, that prevents cancellation within the forty-eight hour window may receive a refund upon written, and signed, verification of the emergency by the governing district superintendent.

Appendix H

A Procurement Plan for Kentucky Cooperatives

West Kentucky Educational Cooperative
Name of Cooperative

PROCUREMENT PLAN
CHILD NUTRITION PROGRAM

This procurement plan contained on the following pages ___1__ through ____8___ will be implemented on _____ from that date forward until amended. All procurements must adhere to free and open competition. Source documentation must be available to determine open competition, the reasonableness, the allowability and the allocation of costs.

_____ _____
Chairman, Board Date

_____ _____
Executive Director Date

_____ _____
Procurement Officer Date

(Rev. _____)

(Name of Cooperative)
PROCUREMENT PLAN

A. General Procurement Standards

- This cooperative provides this plan to member SFAs participation in the USDA's Child Nutrition Programs for whom the cooperative provides procurement services.
- This cooperative uses procurement procedures that reflect state and local law while also ensuring compliance with applicable federal law.

B. Procurement Management

"Bid Coordinator" is primarily responsible for overseeing all procurement for this cooperative on behalf of SAF members that participate in the USDA's Child Nutrition Programs. This responsibility includes, but is not limited to, the responsibilities set forth below:

- Managing contacts and overseeing vendors and/or ensuring that vendors perform in accordance with the terms, conditions, and specifications of vendor contracts and/or purchase orders.
- Ensuring that vendors who develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are **excluded** from competing for such contracts and/or purchase orders.
- Ensuring that all contractual and administrative issues arising out of procurements for the SFA's food service department is handled in accordance with good administrative practice and sound business judgment.
- Ensuring that sufficient records detailing the cooperative's procurement history are maintained.
    - The records maintained for contracts include, at a minimum, the following records:
        - Rationale for methods of procurement
        - Selection of procurement type
        - Selection or rejection of vendor
        - Basis for contract price
    - These records are maintained for at least three years after a contract expires or longer if otherwise required by law.
- Ensures that the cooperative maintains policies and/or procedures that govern the conduct of employees who are engaged in the selection, award, and administration of contracts for member SFAs. These policies and procedures can be found at West Kentucky Educational Cooperative, 201 Hogancamp General Services Building, Murray, KY 42071-3368. These policies and procedures meet the minimum requirements set forth in federal law.
- Ensures that the cooperative maintains policies and /or procedures that cover organizational conflicts of interest in accordance with the requirements of federal law.
- Ensures that all procurement transactions conducted for the SFA's food service department are conducted in a manner that provides full and open competition in accordance with federal law.

C. Type of Procurement Conducted on behalf of member SFAs (Check all that apply)

N/A Cooperative contracts with a third party other than a cooperative recognized under Kentucky state law to conduct SFA procurement.

- Third party procurement services were competitively procured using a competitive bid process.
- A copy of the solicitation and final awarded contract is attached here at TAB _____.
- The third party conducts the following procurement on behalf of the SFA:
    - _____
    - _____
    - _____
    - _____
    - _____
    - _____
- A copy of the third party's procurement plan is attached hereto at TAB _____.

__X_ Cooperative conducts procurement on behalf of SFA members.

- The cooperative conducts the following types of procurement on behalf of the SFA:
    - _Formal_____
    - _____
    - _____
    - _____
    - _____
    - _____

D. Procurement

Procurement Methods (Check all that apply)

_N/A_ **INFORMAL PROCUREMENT**
Procurement by Small Purchase Procedure

Cooperative Simplified acquisition Threshold is (_____).
(_____) is responsible for making purchases using the Small Purchase Procedure. Responsibilities include, but are not limited to the following:

- Contacting potential vendors when price quotes are needed from at least _____qualified sources.
- Ensuring the confidentiality of price quotes are maintained until purchase is made.
- Ensuring small purchases are made based on the lowest price.
- Ensuring documentation is maintained and includes at least the written specifications used, identification of vendors contacted, vendor price quotes received, and vendor selected.

(_____) is responsible for overseeing the small purchase process.

- Reviewing price quotes.
- Providing final approval of the purchase.

_X__ **FORMAL PROCUREMENT**
Procurement by bid or proposal

Procurement for services, supplies, or other property exceeding the cooperative's Simplified Acquisition Threshold of $20,000 is conducted by formal procurement Bid Coordinator is responsible for procuring goods and/or services for members SFAs using formal procurement. Responsibilities include, but are not limited to the following:

- Ensuring that contracts are awarded to the responsible bidder/proposer whose bid or proposal is responsive to the solicitation and is most advantageous to member SFAs.
- Ensuring that, when weighed criteria is used as part of the solicitation, a weighted evaluation sheet is provided to each bidder in the initial bid document materials; price and other factors are considered with price receiving the highest weight; and a firm fixed price or cost reimbursable contract is awarded following evaluation and/or negotiation (as applicable).
- Ensuring that the bid tabulation or the evaluation criterion score sheet is signed signifying a review and approval of the selections.
- Monitoring the formal procurement system to ensure compliance with applicable laws. Ensuring that all procurement documentation relating to formal procurement is maintained.
- Ensuring compliance with the Buy American Provision.
- Ensuring that a vendor obtains, in advance, written approval for any non-domestic agricultural product supplied to member SFAs.
- Ensuring that full documentation is received by the member SFAs documenting why an accepted item is unavailable.
- Ensuring that the solicitation is advertised by Newspaper and Website to publicize the cooperative's intent to purchase needed items.
- Ensuring that announcements (advertisements or legal notices) contain:
    - General description of items to be purchased
    - Deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms and conditions as needed
    - Date of pre-bid meeting, if provided, and if attendance is a requirement for bid award
    - Deadline for submission of bids or proposals; and
    - Address of location where complete specifications and bid/proposal forms may be obtained.
- Ensuring that announcements run for two weeks.
- Ensuring that vendors are given the same opportunity to bid on the same product specifications.
- Ensuring that purchase conditions are clearly defined in the solicitation.

- Ensuring that the initial procurement solicitation and the final awarded contract includes all required contract language and meets the requirements of federal and state law:
    - Solicitation Requirements for contracts that are **NOT** cost reimbursable:
        - There is a clear and accurate description of the technical requirements for the material, product, or services being procured.
        - Requirements are identified that must be fulfilled as well as all other factors used in evaluating bids or proposals.
    - INCLUDE IF APPLICABLE - Solicitation Requirements for cost reimbursable contracts
        - The school food authority must include the following provisions in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:

          (i) Allowable costs will be paid from the nonprofit school food service account that the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;

          (ii)(A) Contractor will separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or (B) Contractor will exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;

          (iii) Contractor's determination of its allowable costs will be made in compliance with the applicable Departmental and Program regulations and Office of Management and Budget cost circulars;

          (iv) Contractor will identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit.

          (v) Contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and

          (vi) Contractor must maintain documentation of consts and discounts,

rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the State agency, or the Department.

- **ALL** contracts contain provisions covering the following, as applicable.

  - Contracts for more than the simplified acquisition threshold address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

  - All contracts in excess of $10,000 address termination for cause and for convenience including the manner by which it will be effected and the basis for settlement.

  - When a federal award meets the definition of "funding agreement" under 37 CFR§401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

  - Contracts in excess of $150,000 contain a provision that requires the contractor to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

  - Contract awards are not made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 comp., p. 235), "Debarment and Suspension."

  - Contractors applying for a bidding for an award exceeding $100,000 must file the required certification as required by the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of

- Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

_N/A_ **NON-COMPETITIVE NEGOTIATION**

Non-competitive negotiation is used when items are available **ONLY** from a single source and ***when the award of a contract is not feasible under small purchase or formal purchase procedures.***

(_____) is responsible for handling emergency purchases. Responsibilities include, but are not limited to the following:

- Ensuring that written specifications are prepared and provided to the vendor.
- Ensuring that a record of non-competitive negotiation is maintained including, at a minimum, the following:
  - Item name
  - Dollar amount
  - Vendor, and
  - Reason for non-competitive procurement

- Kentucky Department of Education, School and Community Nutrition approves, in advance, all procurements that result from non-competitive negotiations.
- Ensuring documentation that the actual product or service specified was received is maintained.

EMERGENCY OR "PRESSING NEED" PURCHASES

(N/A_____) is responsible for handling emergency purchases. Responsibilities include, but are not limited to the following:

- Ensuring that written specifications will be prepared and provided to at least three (if possible) potential vendors.
- Ensuring that the actual product or service specified is received.
- Ensuring that a record of the emergency purchase procedure is maintained and available for audit and review. The record includes, at a minimum, the following:
  - Item name
  - Dollar amount
  - Vendors contacted, and
  - Reason for emergency

- Kentucky Department of Education, School and Community Nutrition approves, in advance, all emergency procurements that exceed $20,000.00.

Procurement by Category (Check all that apply)

- Cooperative utilizes the following methods for the following purchase categories:

Category	Procurement Method	Evaluation Used	Contract Award Type	Contract Duration/ Frequency
Food & Supplies	Invitation to Bid	Awarded to the responsive/ responsible bidder that submits the lowest responsive bid	Fixed Cost	Annual with optional one year extension, up to four years
Milk & Dairy	Invitation to Bid	Awarded to the responsive/ responsible bidder that submits the lowest responsive bid	Fixed Cost	Annual with optional one year extension, up to four years
Frozen Bread	Invitation to Bid	Awarded to the responsive/ responsible bidder that submits the lowest responsive bid	Fixed Cost	Annual with optional one year extension
Produce - East of Lakes - West of Lakes	Invitation to Bid	Awarded to the responsive/ responsible bidder that submits the lowest responsive bid	Fixed Cost	One year
Chemical	Invitation to Bid	Awarded to the responsive/ responsible bidder that submits the lowest responsive bid	Fixed Cost	Annual with optional one year extension
Hood Cleaning - East of Lakes - West of Lakes	Invitation to Bid	Awarded to the responsive/ responsible bidder that submits the lowest responsive bid	Fixed Cost	Annual with optional one year extension