

Huntington Union Free School District

**PERSONNEL
(Section 6000)**

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Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Huntington Union Free School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Section 2. Standards of Conduct. Every Board member or employee of the Huntington Union Free School District shall be subject to and abide by the following standards of conduct:

(a) Gifts. An officer or employee shall not directly or indirectly solicit or accept any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties, or was intended as a reward for any official action on his/her part. No gift in any form shall be accepted that exceeds standards as established by all applicable municipal law.

(b) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

(c) Representation before one's own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

(d) Representation before any agency for a contingent fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

(e) Disclosure of interest in resolution. To the extent that he/she knows thereof, a member of the Board of Education or employee of the Huntington Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any

Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)

resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

(f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

(g) Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

(h) Future employment. He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Huntington Union Free School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Section 3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Huntington Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 4. Distribution/Posting of Code of Ethics. The Superintendent of the Huntington Union Free School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Section 5. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 6. Effective Date: This resolution shall take effect immediately.

General Municipal Law,
Article 18

Adopted: December 4, 2006

Personnel

SUBJECT: CONFLICT OF INTEREST

Public policy is designed to prevent public officials from acting in circumstances in which their personal interest conflicts with that of the public whose interest they have been elected to represent. The General Municipal Law defines prohibited conflicts of interest for school district officers and employees. In addition, various other provisions of law establish disclosure requirements concerning the personal interests, both direct and indirect of school board members.

Pursuant to the General Municipal Law, no School District officer or employee may have an interest, direct or indirect, in any contract with the School District, when such officer or employee, individually or as a member or as a member of the Board, has the powers or duty to (a) negotiate, prepare, authorize or approve or approve the contract, or authorized or approve payment thereunder; (b) audit bills or claims under the contract; or (c) appoint an officer or employee who has any of the powers or duties set forth above. No District Treasurer may have an interest, direct or indirect, in a bank or trust company designated as a depository or paying agent or for investment of funds of his/her district. This, however, does not preclude payment of lawful compensation and necessary expenses of a school employee in one or more public offices or positions of employment, the holding of which is not prohibited by law.

Exceptions to Law

The General Municipal Law enumerates a number of exceptions to its general rule. Specifically, the statute provides that its prohibitions on conflict of interest do NOT apply to:

- a) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of a municipality except when the chief fiscal officer, treasurer, or his/her deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated;
- b) A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;
- c) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;
- d) The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefore is approved by order of the supreme court upon petition of the governing board;

(Continued)

Personnel

SUBJECT: CONFLICT OF INTEREST (Cont'd.)

- e) The acquisition of real property or an interest therein, through condemnation proceedings according to law;
- f) A contract with a membership corporation or other voluntary non-profit corporation or association;
- g) The sale of lands and notes pursuant to Section 60.10 of the local finance law;
- h) A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he/she was elected or appointed as such officer or employee, but this does not authorize a renewal of any such contract;
- i) Employment of a duly licensed physician as school physician for a school district upon authorization by a two-thirds vote of the board of education of such school district;
- j) A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- k) A contract for the furnishing of public utility services when the rates or charges therefore are fixed or regulated by the public service commission;
- l) A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his/her official duties and are so designate as an office;
- m) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office;
- n) A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the first year, does not exceed the sum of one hundred dollars;
- o) A contract with a member of private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

(Continued)

SUBJECT: CONFLICT OF INTEREST (Cont'd.)**Express Prohibitions**

In addition, the law clearly states that an officer or employee may not:

- a) Directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to or could reasonably be expected to influence him/her in the performance of his/her official duties, or was intended as a reward for any official action on his/her part;
- b) Disclose confidential information acquired in the course of his/her official duties or use such information to further his/her personal interests;
- c) Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Board; or
- d) Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Board whereby the compensation is to be dependent or contingent upon any action by the agency. This does not prohibit the fixing of fees based upon the reasonable value of services rendered.

Penalties

Any contract willfully entered into by or with a school district in which there is a prohibited interest is void and unenforceable. In addition, any officer or employee who willfully and knowingly violates the foregoing provisions shall be guilty of a misdemeanor.

It should be noted that competitive bidding does not cure the prohibition against having any interest in a contract when the officer or the employee has the power to approve the contract.

The law further authorizes, in addition to any other penalty imposed, that any person who knowingly and intentionally violates the above may be fined, suspended, or removed from office or employment in the manner provided by law.

Restrictions on Employment and Nepotism

There are additionally certain strictures imposed by law on employment of Board members and relatives of Board members.

(Continued)

SUBJECT: CONFLICT OF INTEREST (Cont'd.)

As a general principle of law, a Board member cannot hold another public office which is incompatible with his/her status as a Board member. The Commissioner of Education has held that the mere possibility of conflict does not disqualify that person from retaining his/her position, although if a conflict situation does occur, the office holder should refrain from participating in any way. Political office holders, and village and Town employees may become school board members; however, a Town Supervisor may not be a Board member.

The law expressly prohibits a Board member from being an employee of the Board. Similarly, the law provides that not more than one member of a family may be a member of the same Board of Education in any school district.

Permissible Employment

There are a number of statutory provisions that expressly permit employment that would otherwise be prohibited, under certain circumstances.

In regard to teachers, no person who is related by blood or marriage to any Board member may be employed as a teacher by the Board, except upon the consent of two-thirds of the Board. This must be voted upon at a Board meeting and entered into the minutes. See Policy #6215 Employment of Relatives of Board of Education Members.

The law also permits the employment of a Board member as school physician upon the consent of two-thirds of the Board.

A collective bargaining agreement between a Board of Education and an employees' association, where a relative of a Board member is employed in the District, does not give rise to a prohibited conflict of interest. Although a Board member is deemed to have an interest in a contract between the School District and his/her spouse, minor children and dependents, the law expressly excepts a contract of employment with the Board.

Disclosure of Interests

The Legislature has also enacted various disclosure requirements, in an effort to protect the public and to publicize conflict of interest, so that both the public and the governing body might take appropriate account of any personal interests in appraising the public benefit of a personal transaction.

Any Board officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Board must publicly disclose the nature and extent of such interest in writing to the Board as soon as he/she has knowledge of it.

(Continued)

SUBJECT: CONFLICT OF INTEREST (Cont'd.)

Although certain interests may not be prohibited by law, they are still subject to disclosure requirements. Legal counsel should be sought concerning any question regarding disclosure of specific items.

The law requires that written disclosure be made part of and set forth in the minutes of the Board. Once made, no further disclosures with respect to additional contracts with the same party during the remainder of the fiscal year need be made.

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Personnel

SUBJECT: STAFF-STUDENT RELATIONSHIPS

The Board will not tolerate relationships between staff and students which go beyond professional involvement. District staff members are prohibited, under any circumstances, to date or engage in any inappropriate personal contact which is of a physical, verbal, or written nature, whether or not it is consensual, with any of the District's students.

Failure to consistently maintain appropriate behavior will result in disciplinary action in accordance with applicable laws and policies, and where appropriate, may include termination.

Adopted: 6/11/01

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, national origin, political affiliation, sex, age, marital status, veteran status or disability.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to insure its availability to interested citizens and groups.

Job descriptions for all District positions shall be developed and maintained by administration. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-e, et seq. – Prohibits discrimination on
the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-d, et seq. – Prohibits discrimination on
the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC)
Section 794 et seq.;

The Americans With Disabilities Act,
42 United States Code (USC)
Section 12101 et seq. – Prohibits discrimination on the
basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (USC)
Section 1681 et seq. – Prohibits discrimination on the
basis of sex.

New York State Executive Law
Section 290 et seq. - Prohibits discrimination on the
basis of age, race, creed, color, national
origin, sex, disability or marital status.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621.

Military Law Sections 242 and 243

Adopted: 6/11/01

Personnel

Required Policy*SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

An incident of sexual harassment may also be a violation of the New York Penal Code. Administration shall contact the appropriate authorities and, where applicable, follow the procedures set forth in Project SAVE in the event an incident of sexual harassment reasonably appears to be a violation of the New York State Penal Code.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. Any employee who believes that he/she has been subjected to sexual harassment shall report all incidents of such conduct to the District's Title IX Compliance Officer through information and/or formal complaint procedures developed by the District. In the event that the compliance officer is the offender, the complainant shall report his/her complaint to the next level of supervisor authority.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Title IX Compliance Officer through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly and equitably investigated in accordance with the terms of this policy. In the event that the Title IX Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct an investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of an individual's conduct that may reasonably constitute sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

Subject to disclosure necessary for a thorough and complete investigation, due process, and other legal constraints, all complaints will be treated as confidential. Any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Conduct

The Board prohibits any retaliatory conduct directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Finding That A Complaint Is Not Sustained

At any level/stage of investigation of alleged harassment, if a determination is made that a complaint of harassment is not sustained, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation.

However, even if a determination is made that a complaint of harassment was not sustained, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that a complaint of sexual harassment was not sustained.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

Privacy Rights

As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Title IX Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.

Adopted: 6/11/2001
Re-adopted: 12/5/2011

Personnel

SUBJECT: NON-DISCRIMINATION OF EMPLOYEES

The Board of Education is committed to safeguarding the rights of all employees of the School District to work in an environment free of any form of discrimination on the basis of age, color, creed, disability, marital status, national origin, race, religion, sex or sexual orientation. Discrimination can take many forms including, but not limited to, exclusion, unequal access to promotion or advancement, unequal assignment of jobs, threatening or insulting language based on an individual's membership in a group, and physical assault. The Board notes that most forms of discrimination violate local, state and federal laws.

Any employee who believes that he/she has been a victim of discrimination in violation of the policy should promptly report the alleged discrimination to the District's designated complaint officer so that appropriate corrective action may be taken at once. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

All complaints of discrimination shall be promptly and thoroughly investigated by those individuals so designated by the Superintendent's regulations. In the event that the Board learns of alleged discrimination, or has reason to believe that such alleged discrimination has occurred, the Board will, on its own initiative, ensure that a thorough investigation is conducted by the appropriate individuals.

If the investigation reveals that discrimination has occurred, appropriate disciplinary measures shall be taken against the person or persons who have engaged in alleged discrimination.

The Superintendent of School shall develop administrative regulations to implement this policy. Copies of this policy shall be distributed to all employees and posted in appropriate places.

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Personnel

SUBJECT: EVALUATION OF PERSONNEL: PURPOSES

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the School System, including an annual evaluation by each staff member's immediate supervisor, in order to promote improved performance and to make decisions about the occupancy of positions. The primary purposes of this evaluation are:

- a) To encourage and promote self-evaluation by personnel;
- b) To provide a basis for evaluative judgments by school administrators.

8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(o)

Adopted: 6/11/01

Personnel

SUBJECT: HEALTH EXAMINATIONS

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine the physical and mental capacity of an employee to perform his/her duties.

Support staff personnel initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a twelve (12) month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Education Law Section 913
Bus Drivers: 8 New York Code of Rules and
Regulations Section 156.3(2)
Rules and Regulations of the Commissioner of
Motor Vehicles Section 5.09-b
Cafeteria Workers: State Sanitary Code

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

The Superintendent or his/her designee shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act
Amendment of 1989
(Public Law 101-226)
20 United States Code (USC) Section 3171 et seq.

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

In addition to complying with Federal legislation regarding the use of drugs, the Board of Education prohibits any employee acting within the scope of his/her employment from being under the influence, using or having in his or her possession or distributing in any way alcohol on school property or at school sponsored activities off school property.

Drug-Free Workplace Act of 1988
(DFWA P.L. 100-690)

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

(Continued)

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Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT PROGRAMS (Cont'd.)

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

Education Law Section 1604(27)
General Municipal Law Section 77-b and 77-c

Adopted: 6/11/01

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Personnel

SUBJECT: POSTING OF POSITIONS

All personnel positions will be posted, when vacant, prior to subsequent action of the Board to fill such position.

Notices of positions will be posted in multiple locations in each District building as appropriate.

Adopted: 6/11/01

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Personnel

SUBJECT: EMPLOYMENT OF CONSULTANTS AND PROFESSIONALS

The Board of Education may employ consultants and other professionals to provide specialized services which cannot be provided by District personnel or which are not required on a continuing basis.

The Superintendent shall recommend the employment of consultants and other professionals to the Board. Such recommendation shall include a written proposal which identifies the purposes for employing such individual(s), the services to be provided, the procedures to be followed, a target date for completion, and the projected costs. The employment of consultants and other professionals recommended by the Superintendent is subject to the approval of the Board prior to the performance of any services.

Consultants and other professionals shall act solely in an advisory capacity. They shall not exercise administrative authority over District employees and shall report their progress to the Superintendent or his/her designee on a regular basis.

Adopted: 6/11/01

2001

6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

8 New York Code of Rules and Regulations
(NYCRR), Part 30
Education Law Sections 2510 and 3013

Adopted: 6/11/01

2001

6211

Personnel

SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Education Law Section 3012

Travel Expenses For Teacher Candidates

1) The Superintendent is authorized to pay reasonable expenses for the prospective employees invited to this District with the strong recommendation that expenses be limited to candidates coming from outside the metropolitan area.

Adopted: 6/11/01

Personnel

SUBJECT: CERTIFICATION

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the Superintendent's files in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Education Law Sections 3001, 3001-a,
3004, 3006, and 3008
8 New York Code of Rules and Regulations
(NYCRR), Part 80

Personnel

SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by his/her certification for up to five classroom hours per week, pursuant to the following regulations:

- a) Knowledge of Subject: The Superintendent of Schools shall make a finding that the teacher being assigned to teach on an incidental basis has sufficient teaching experience and knowledge of the subject matter to teach such subject in a competent manner.
- b) Notice to the Board: By October 1 of each year the Superintendent shall submit to the Board of Education at a public meeting a list of all teachers assigned to teach on an incidental basis, including the courses he/she has been assigned to teach and the certification area of the teacher so assigned. In the event an incidental teaching assignment is made after October 1, the Superintendent shall report the assignment to the Board at the next regularly scheduled public Board meeting. The list of incidental teaching assignments for the current school year shall be submitted to the State Education Department as part of the District's annual Comprehensive Assessment Report.
- c) Notice to Parents: A notice will be sent to parents of students enrolled in a class for which an incidental teaching assignment has been made. Such notice shall indicate the assigned teacher's work, educational or other experience which will enable him/her to provide competent instruction in the subject area to be taught.
- d) Appeal: A parent whose child is enrolled in a class for which an incidental teaching assignment has been made may submit a written request to the principal that his/her child be reassigned to a different class. The principal shall consider such request and issue a written response to the parent no later than five school days after receiving the request.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.2(c)(7)

SUBJECT: PROBATION AND TENURE**Probation**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for a member previously appointed to tenure in this or another school district or BOCES within the state, provided the member was not dismissed from the former district. Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

Tenure

Certified staff members successfully completing a probationary period in the Huntington Union Free School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

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6213.1

Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

Adopted: 6/11/01

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Personnel

SUBJECT: STAFF: SEPARATION

A teacher may be dismissed upon provision of at least sixty (60) days notice and pay during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law.

The Board shall expect any teacher desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a teacher shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 3012, 3019-a, and 3031

Adopted: 6/11/01

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6215

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of staff other than teachers.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 6/11/01

Personnel

SUBJECT: TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

Student Teachers

The Huntington Union Free School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A substitute teacher qualified to teach in the Huntington Union Free School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.36
Education Law Section 3023

Long-Term Substitute Teachers

Any individual hired by the District to replace an employee shall be designated as a long-term substitute teacher if the term of said employment exceeds one calendar month.

In cases where the District has knowledge in advance of the long-term nature of employment, i.e. more than one month, the substitute teacher will be paid an appropriate per diem rate commencing on the first day of service in the District.

In cases where the District does not have advance knowledge, the substitute teacher will be paid an appropriate per diem rate retroactively when he/she exceeds the requirement of one calendar month of service.

Those individuals replacing a District employee for a full year will be paid a base salary commensurate with their academic preparation on Step 1 of the salary schedule.

Adopted: 6/11/01

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Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 6/11/01

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6320

Personnel

SUBJECT: EMPLOYMENT OF TEACHER AIDES

In accordance with Regulations of the Commissioner, the Board of Education may employ aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by aides shall be outlined by the Superintendent of Schools.

Persons employed as aides shall be responsible to the building principal and/or his/her designated representatives.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.33(a)

Adopted: 6/11/01

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Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events.

Adopted: 6/11/01

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 New York Code of Rules and Regulations
(NYCRR), Part 84
Public Officers Law Section 87

SUBJECT: EMPLOYEE ACTIVITIES**Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff Personnel

Staff members shall not be engaged in advertising or commercial solicitations on school time.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures.

SUBJECT: NEGOTIATIONS**Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Associated Teachers of Huntington;
- b) AFI Local 2474 Schools Principals Association;
- c) District Aides and Monitors Association;
- d) United Public Service Employees Union Clerical Unit;
- e) Huntington Chairperson's Association;
- f) United Public Employees Union Food Service Union;
- g) United Public Service Employees Union Buildings and Grounds Unit.
- h) United Public Service Employees Union Nurse Unit;
- i) United Public Service Employees Union Security Guards Unit.

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Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

School District personnel will report all serious cases of damage to School District buildings or property to the police and cooperate in the apprehension and prosecution of offenders.

Reports of this nature shall be sent to the Superintendent and Board of Education.

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Personnel

SUBJECT: LOSS OF PERSONAL PROPERTY

The District may assume responsibility for personal property of employees for loss only if the principal has given his/her approval for the article to be brought to school. A short form shall be filled out describing the article, age of article, and purchase price when new. This form must be signed by the principal.

No reimbursement shall be considered if this article is covered by insurance either held by the individual or the School District.

Adopted: 6/11/01

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6460

Personnel

SUBJECT: JURY DUTY/COURT APPEARANCE

Jury Duty

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Court Appearance

In cases where employees are required to appear in court on behalf of the District when they are not on duty, they will be paid on a per diem basis for the time put in on a 1/200 of their annual salary.

Adopted: 6/11/01

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**Privacy Rights**

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

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Personnel

SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Consolidated Omnibus Budget
Reconciliation Act of 1985

Adopted: 6/11/01

2001

6520

Personnel

SUBJECT: WORKERS' COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31),
1709(34) and 2503(10)

Adopted: 6/11/01

SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709**Credit Union Deductions**

The Board of Education approves payroll deductions for the Teachers Credit Union with the understanding that all deductions must be authorized not later than June 15th prior to the school year in which the deduction is to be made effective, and that no changes in such authorization will be made during the entire school year, except to discontinue the deduction in the fall.

Tax Sheltered Annuities

- a) There will be no payroll deductions during July and August;
- b) There will be deductions twice a month from September through June;
- c) Notification of increase or decreases in deductions must be in the Business Office by September 15 for October deductions; December 15 for January deductions; March 15 for April deductions. These are the only three dates that changes will be accepted;
- d) If authorization for deduction is to be cancelled, written notice must be in the Business Office thirty (30) days before the effective date of cancellation;
- e) There will be no more than one annuity contract at a time.

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)

Personnel

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b),
2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Adopted: 6/11/01

SUBJECT: LEAVES OF ABSENCE

- a) In general, leaves of absence:
1. Shall be administered by the Superintendent.
 2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
 3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
 4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
- b) Leaves of absence, contractual, et al:
1. Employees who are members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
 2. Employees who are not members of a negotiating unit:
Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
 3. Employees who are under contract to the District:
Authorization is granted to implement provisions for leaves of absence contained in each such contract.
- c) Leaves of absence, unpaid, not covered in b) 1. above:
1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - (a) For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
 3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
 4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Education Law Sections 1709(16),
3005, 3005-a, and 3005-b
Civil Service Law Sections 71-73

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to 12 workweeks in a 12-month period as determined by the District. The District will compute the 12-month period according to the following time frame: a "rolling" 12-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period; and if there are 50 employees within a 75-mile radius. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
- e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his or her job.

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

The Board of Education has a right to 30 days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993
Public Law 103-3
29 Code of Federal Regulations (CFR) Part 825

2001

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Personnel

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature.

A joint District/employee organization committee will be established to assist in the implementation of this policy.

Adopted: 6/11/01

2001

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Personnel

SUBJECT: EXTRA PAY AND STIPEND POSITIONS

Employees in positions receiving extra pay or a stipend must be available during the full period when this position normally functions. If, due to extenuating circumstances beyond the control of the employees, he is unable to carry out his duties for the assigned period, he shall be paid for that portion of the job that he has completed.

Adopted: 6/11/01