

PERSONNEL POLICIES GOALS

The Board of Education recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff.

The Board's specific personnel goals are:

- to develop and implement those strategies and procedures for personnel recruitment, screening and selection which will result in employing the best available candidates, i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the district's learning program;
- to provide staff compensation and benefits programs sufficient to attract and retain qualified employees;
- to provide an inservice training program for all employees which fosters improved performance and increased rates of staff retention and promotion;
- to conduct an employee appraisal program that will contribute to the continuous improvement of staff capabilities and the learning program;
- to assign personnel so as to ensure they are utilized as effectively as possible; and
- to develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Adoption date: May 23, 1994

EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education, its officers, and employees shall not discriminate against any employee or applicant for employment on the basis of race, color, national origin, creed or religion, marital status, sex, age, or disability.

This policy of nondiscrimination includes recruitment and appointment of employees, and employment pay and benefits.

Ref: Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972
New York State Constitution Article I §11

Adoption date: May 23, 1994

BOARD-STAFF COMMUNICATIONS

The Board of Education wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent of Schools.

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Board's problems, concerns and actions, and for staff to communicate information related to district operations.

Adoption date: May 23, 1994

STAFF ETHICS

For pertinent information concerning staff ethics refer to School Board Member Ethics, Section 2160 of this manual.

Adoption date: May 23, 1994

STAFF CONDUCT

For pertinent information refer to Public Conduct on School Property, Section 1520 of this manual.

Adoption date: May 23, 1994

CONFLICTS OF INTEREST

The Board of Education is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the school district. Therefore:

No person employed by the district shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.

No person employed by the district shall negotiate or execute any contract on behalf of the district for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

No person employed by the district shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor or the Board to seek ways to reduce or eliminate the influence or interference.

The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the Superintendent of Schools.

Cross-ref: 2160, School District Officer and Employee Code of Ethics

Ref: Education Law §§ 410, 3016
General Municipal Law Art. 18, §§ 801-813
Labor Law §201-d
Dykeman v. Symonds, 54 AD2d 159 (4th Dep't 1976)

Adoption date: October 25, 2004

DRUG-FREE WORKPLACE

The Board of Education prohibits the manufacture, distribution, possession and/or illegal use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include drugs which are illegal because they have no legitimate medical purpose, and drugs which have legitimate medical uses but are highly addictive.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Cross-ref: 3230, Organization Chart

Ref: Drug-Free Workplace Act (DFWA), P.L. 100-690
Controlled Substances Act, 21 USC 812
21 CFR 1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)

Adoption date: May 23, 1994

DRUG-FREE WORKPLACE REGULATION

1. The Superintendent of Schools shall certify to any federal agency making a direct grant to the district that the district will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.
2. The Superintendent or his/her designee shall establish a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. the district's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug abuse violations.
3. The Superintendent or his/her designee shall publish a statement notifying district employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by district policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.
4. Each employee, as a condition of employment on any direct federal grant, shall:
 - a. abide by the terms of the statement; and
 - b. notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within three (3) days of such conviction.
5. The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.
6. Within 30 days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.
7. The district shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.

Adoption date: May 23, 1994

STAFF SUBSTANCE ABUSE

The Board of Education strongly believes that all staff members are perceived, consciously or unconsciously, as role models in the school and in the community. Since substance abuse has become a national problem, particularly among children and teenagers, the Board believes that school employees must exemplify the positive benefits of a drug-free lifestyle. The Board therefore will not tolerate the illegal use, including possession, sale and/or manufacture, of drugs by staff members either in the workplace, or at any time when the effects of such drug(s) may impair the performance of their duties. In this context, alcohol is considered a drug.

The district shall maintain an employee awareness program, including information regarding substance abuse rehabilitation programs provided by local agencies.

If an employee is found to have violated the terms of this policy, he or she may be subject to a range of penalties up to and including dismissal. That employee may be required to participate in a substance abuse rehabilitation program in lieu of disciplinary action.

Drug-Testing of Employees

No employee shall be subjected to urinalysis or other form of drug testing without reasonable individualized suspicion that the employee has been using an illegal drug(s). The school attorney shall be consulted before any implementation of such testing. Failure to submit to required drug testing based upon reasonable individualized suspicion that the employee has been using an illegal drug(s) is grounds for disciplinary action up to and including dismissal.

In its effort to maintain a drug-free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

Cross-ref: 9125, Drug-Free Workplace

Ref: Drug-Free Schools and Communities Act (20 USC §§3171 et seq.)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d 57 (1987)

Adoption date: May 23, 1994

Revised: October 23, 2000

STAFF-STUDENT RELATIONS

The Board of Education accepts the principle that the relationship between staff and students should be one of cooperation, understanding and respect. The Board believes that the Superintendent of Schools and each building level administrator, as instructional leaders, must exhibit a visible, involved relationship with pupil activities to create an appropriate environment for learning.

Staff members shall be expected to regard each student as an individual and to afford each the rights and respect due to any individual. Students shall be treated with courtesy and consideration.

Students shall be expected to regard staff members as individuals, employed to provide direct or indirect contributions to learning. No student shall have the right to interfere with the efforts of the instructional staff to coordinate or otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students.

Adoption date: May 23, 1994

SUSPECTED CHILD ABUSE BY DISTRICT PERSONNEL

The Board of Education recognizes that children have the right to an educational environment which does not threaten their physical and emotional health and development. Child abuse by school personnel violates this right and therefore is strictly prohibited.

The Superintendent of Schools is directed to ensure that all employees are informed of this policy, and every school employee who comes into contact with students shall be required to attend a training program concerning child abuse. Every school employee who suspects an incident of child abuse of a student by district personnel shall immediately report all information to the Building Principal or the Superintendent of Schools.

It shall be the responsibility of the Principal, with the assistance of the Superintendent, to promptly and thoroughly investigate and document any suspected incident of child abuse of students by district personnel. The Superintendent may prohibit unsupervised student contact by any district employee who is the subject of investigation of a suspected incident of child abuse.

The Superintendent shall promptly notify the parents or guardians of students who are suspected victims of child abuse. No school personnel or Board member, with the exception of the Superintendent and/or the Superintendent's designee, shall make any statements or release any information which identifies or could be used to identify a suspected victim or perpetrator of child abuse to the public, media, staff, while an investigation is pending. The Superintendent and/or designee shall seek legal counsel concerning the nature of statements which are permissible in the particular case, prior to making any public statement on the case.

The Superintendent shall contact law enforcement authorities concerning a suspected incident of child abuse of a student by district personnel when the totality of the facts and circumstances warrant the intervention of law enforcement authorities. The district shall cooperate to the extent possible with the investigation and prosecution of suspected child abuse of a student by a district employee. The district recognizes that any individual may contact law enforcement authorities concerning a suspected incident of child abuse of a student.

The Superintendent shall report information indicating that an employee holding a teaching certificate has been convicted of a crime or has committed an act which raises a reasonable question as to his or her moral character to the State Education Department of New York. It shall be the policy of the district to construe an incident of student abuse as raising a reasonable question of the moral character of an employee holding a teaching certificate. The district recognizes that any individual may report information indicating that an employee holding a teaching certificate has been convicted of a crime or has committed an act which raises a reasonable question as to his or her moral character to the State Education Department of New York.

The Superintendent shall report cases of suspected child abuse to the New York Central Register for Child Abuse and Maltreatment, as appropriate.

Ref: Education Law §3209-a
Social Services Law §§411 et seq.
8 NYCRR §83.1

Adoption date: May 23, 1994

INCIDENTAL TEACHING

The Board of Education authorizes the Superintendent of Schools to assign a teacher to teach a subject not covered by the teacher's certificate for up to five classroom hours a week when the Superintendent believes it is in the interests of the school district. In order to accomplish this, the Superintendent shall, pursuant to the regulations of the Commissioner of Education:

1. determine that the teacher being assigned on an incidental basis has sufficient teaching experience and knowledge of the subject to teach it in a competent manner;
2. submit a list of all teachers assigned on an incidental basis, including the course assigned and the certification area of the teacher so assigned, to the Board of Education at a public meeting by October 1 of each year. Assignments made after October 1 must be reported to the Board at the next regularly scheduled public Board meeting; and
3. submit the same list to the State Education Department as part of the district's annual Comprehensive Assessment Report.

In addition, the Superintendent shall ensure that the district informs parents about incidental teaching assignments by at least one of the following methods: public discussion at a Board meeting, publication in a newsletter, or posting letters to parents.

The information provided should include the teacher's experience and knowledge of the subject matter so parents are aware of the teacher's qualifications to teach the subject.

If a parent appeals an incidental teaching assignment, the appeals process shall begin with the filing of a written complaint with the Building Principal. If the complaint remains unresolved at this level, the complaint is appealable to the Superintendent. If still unresolved, the parent may appeal to the Board for a final determination. If the complaint concerns a particular teacher's qualifications, the Board may meet in executive session to discuss the issue.

Ref: 8 NYCRR §80.2(c)(7)

Adoption date: May 23, 1994

PROFESSIONAL STAFF RECRUITING AND HIRING

Through its employment policies, the Board of Education will attempt to attract, secure, and retain qualified personnel for all professional positions. The selection program will be based upon finding candidates who will devote themselves to the education and welfare of the children attending the public schools.

Recruiting procedures shall enable the district to seek qualified candidates from a variety of sources, including present staff. Any current employee of the district may apply for any position for which he/she meets certification and other stated requirements.

The Board adheres to the practice of recruiting and hiring personnel without regard to religion, creed, race, color, marital status, national origin, sex or disability.

The Superintendent of Schools is charged with exercising diligence in searching out, evaluating, and attracting able people. In selection he/she should give careful consideration both to the individual positions to be filled and to the development of broadly balanced staffs calculated to augment the abilities of the individuals composing them. He/She shall utilize the assistance and advice of other supervisory personnel. It will be the duty of the Superintendent to see that persons nominated for employment in the schools meet all certification requirements and the requirements of the Board for the type of position for which the nomination is made.

While the Board may accept or reject a nomination, an appointment will be valid only if made with the recommendation of the Superintendent. In the case of a rejection, it is the duty of the Superintendent to make another nomination. No person shall be considered employed until a resolution to that effect has been approved by the Board and a salary agreement executed by the employee.

Ref: Education Law §§913; 1604; 2509; 3012
8 NYCRR §100.3

Adoption date: May 23, 1994

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Part-Time Teachers

Upon the recommendation of the Superintendent of Schools, the Board of Education will approve or reject the employment of part-time teachers consistent with the needs of the school district.

The appointment of part-time personnel will not extend beyond the school year for which employment is made.

Part-time teachers will meet all necessary certification requirements, and any non-unit part-time teachers will be compensated for their work on a prorated basis commensurate with their placement on their salary schedule.

Substitute Teachers

To the greatest degree possible, the Board shall employ as substitute teachers competent and effective individuals who are certified by the State of New York in an approved teaching area. When such an individual is not available, then the school district shall employ college graduates as substitute teachers.

Individuals employed as substitute teachers who are not certified may be employed for 40 days during a school year, unless such individuals are in a program leading to teacher certification. In that case, there is no limit on the number of days for which they may be employed as a substitute teacher.

The employment of substitute teachers will be centralized for the district in the office of the Superintendent. Candidates selected will be recommended to the Board for placement on the list of approved substitutes. Principals will assume responsibility for the scheduling of substitutes from the approved list as needed.

Payment of Substitute Teachers

The rate of payment for substitute teachers required to work in the same assignment in place of the same absent teacher for more than 90 days shall be determined upon recommendation by the Superintendent and the approval of the Board, pursuant to Policy 9241, Arrangements For Professional Staff Substitutes.

Adoption date: May 23, 1994

**ARRANGEMENTS FOR PROFESSIONAL STAFF
SUBSTITUTES**

The Board of Education recognizes its obligation to provide qualified, temporary replacements for district teachers who are absent from school.

Although it is the goal of the administration to hire certified substitutes, it is understood that time allowances and other circumstances may prevent this.

Each year the Board, working with the Superintendent of Schools, shall establish a salary schedule for substitute teachers.

Adoption date: May 23, 1994

CONDITIONAL APPOINTMENT & EMERGENCY CONDITIONAL APPOINTMENT STUDENT SAFETY

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to make a conditional appointment or an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No district employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide the specific instruction or other services for which the employee was hired, except as deemed appropriate by the Building Principal.

No district employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless the Principal has provided express prior permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

In no event shall such employee be left alone with an individual student.

The Principal or his/her designee shall provide heightened administrative supervision of such employees while on school district property during the period of their conditional or emergency conditional appointment including, for example, unannounced visits to classrooms, walking the hallways, and/or any other activities the Principal determines to be appropriate.

In addition, the district will ensure that all conditional and emergency conditional appointed employees become aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse at the commencement of their conditional or emergency conditional appointment.

Failure to comply with this policy will result in appropriate disciplinary action.

For purposes of this policy, the terms “conditional appointment” and “emergency conditional appointment” shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Cross-ref: 5465, Child Abuse in an Educational Setting

Ref: Education Law §§1125-1133, 1709
8 NYCRR §§100.2 (hh); Part 87

Adoption date: September 24, 2001

PROFESSIONAL STAFF DEVELOPMENT

The Board of Education believes that the success of educational programs and operational goals depends on the professional growth and effectiveness of the entire staff. The Board also recognizes its responsibility to encourage staff development through goal-setting, budgetary commitment, and monitoring of staff development activities. The Board encourages individual pursuit of staff development experiences. The Superintendent of Schools has authority to approve release time and expenses for individual staff members' attendance at professional training conferences, study councils, inservice courses, workshops, summer study grants, school visitations, professional organizations, etc., within budgetary constraints.

In-service programs will be conducted in each school of the district by appropriate personnel at least annually. The Superintendent is directed to provide for the selection of subjects pertinent to the curriculum in the schools, and to build from these subjects In-Service or Staff Development courses which will help teachers in new methods acceptable to the schools, or to help them to improve techniques already in use. Such programs will also familiarize the professional staff with the provisions and purposes of the school conduct and discipline policy, to ensure its effective implementation.

Cross-ref: 5310, Student Discipline
9241, Arrangements for Professional Staff Substitutes

Ref: Education Law §3604(8)
8 NYCRR Part 80; §100.2(e)(vii)

Adoption date: May 23, 1994

PROFESSIONAL STAFF ORIENTATION

The Board of Education recognizes an effective educational program is maintained by a professional staff with unified goals. To help new teachers become familiar with these goals and with the staff there shall be a orientation program for new faculty members.

The staff orientation shall provide new teachers with the opportunity to quickly and thoroughly adjust to the routine of the school.

Adoption date: May 23, 1994

SUPPORT STAFF POSITIONS

All support staff positions in the school district will be established by the Board of Education.

In each case, the Board will approve the broad purpose and function of the position in accordance with state laws and regulations.

Upon final Board action, the Superintendent shall refer all proposals for the creation or reclassification of positions in the classified civil service, and a statement of the duties for such positions, to the municipal civil service commission having jurisdiction for classification.

Ref: Civil Service Law §§35; 42-44
New York State Constitution, Article V, §6

Adoption date: May 23, 1994

BOARD NEGOTIATING AGENTS

Prior to commencement of any negotiations, the Board of Education with the assistance of the Superintendent of Schools will decide whether to appoint a labor lawyer, a BOCES negotiator or other professional negotiator, or to appoint representatives from within the school district to serve as the Board's chief spokesman. The balance of the team will be selected by the Board with the assistance of the Superintendent. The fee or salary for a professional negotiator will be established by the Board at the time of appointment.

Negotiations will be conducted only as directed by the Board.

For pertinent information about negotiations, refer to the appropriate article in the various collective bargaining agreements.

Adoption date: May 23, 1994

PERSONNEL RECORDS

Information about staff is required for the daily administration of the school district, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting Board of Education, state and federal educational reporting requirements. To these ends, the Board authorizes and directs the Superintendent of Schools to develop and implement a comprehensive and efficient system of personnel records maintenance and control under the guidelines which follow.

1. A personnel file will be accurately maintained in the central administrative office for each present and former employee. These files will contain applications for employment; references; and records relative to compensation, payroll deductions, evaluations and such other matters as may be considered pertinent to the purposes of this policy as cited above.
2. The Superintendent will be the records manager for personnel files and will have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.
3. All personnel records will be considered confidential and not open to public inspection, and access to files will be limited to school and governmental officials authorized by the Superintendent to use the files for purposes of this policy as cited above. No other persons or agencies may have access to information in a staff member's file except when the staff member has given written consent for the release of specific information to a specific person or agency, or when such information is subpoenaed or ordered for release by a court of law.
4. Lists of district employees' names and home addresses will be released only to governmental agencies as required for official reports.
5. A present or former staff member may have access to his own personnel file at all reasonable times (i.e., during regular school hours) but with the exception that access will not be granted to references provided to the district on a confidential basis prior to employment. The right of access includes the right to make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the staff member's file. In cases when file information is proved to be in error, correction will be made.
6. No complaint, commendation, suggestion, or evaluation may be placed in the evaluation section of a file unless it meets the following requirements:
 - a. the comment is signed by the person making the complaint, commendation, suggestion or evaluation;
 - b. the complaint, commendation, suggestions or evaluation is reviewed and deemed to be appropriate for the purpose of being made a part of the employee's personnel file. Such review shall be made by the Superintendent of Schools or his/her designee. A determination of appropriateness shall include, but shall not be limited to, the nature and content of such complaint, commendation, suggestion or evaluation, as well as the rights of all parties named or referred to therein; and

- c. the Superintendent or employee's Principal or other supervisor has notified the employee that the comment is available in the District Office for inspection prior to the determination as to appropriateness (see paragraph 6(b) above) and placement in the evaluation section.

The employee may offer a denial or explanation of the complaint, commendation, suggestion or evaluation, and any such denial or explanation will become a part of the evaluation section.

The Board has the right of access to personnel records of district employees pursuant to the procedures set out in Part 84 of the Regulations of the Commissioner of Education.

Cross-ref: 1120, School District Records

Ref: Education Law §3020-a
8 NYCRR Part 84

Adoption date: May 23, 1994

Revised: September 30, 1996

STAFF HEALTH

The Board of Education seeks to provide a healthful and safe working environment for the total school community. The Board employs individuals who have physical and mental capacity which will enable such employee to reasonably perform the duties required of the position, and to assure that all employees have a standard of health that will contribute to the safe, healthy and efficient performance of work.

Medical Examinations

The Board requires that all job offers be conditioned upon a satisfactory medical evaluation, and all probationary employees who are eligible for tenure, as well as employees recommended in writing by their supervisor, undergo a medical exam by their own physician or by the district physician. Failure to undergo a required medical exam is grounds for disqualification or dismissal.

No applicant or employee will be discriminated against because of any disability or speculation that such person's future health would be at risk in performing his/her duties. Inability to perform the essential functions of the job with or without reasonable accommodation may be grounds for disqualification or dismissal.

Adoption date: May 23, 1994

STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. In addition, the district shall implement procedures and regulations and designate an employee to carry out the responsibilities under Title IX and Section 504 of the Rehabilitation Act.

Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of Title IX and Section 504 shall be subject to the discretion of the Board as to the method by which the complaint may be brought.

Annual Notification

This policy and accompanying regulation (9520-R) provide grievance procedures for those employees not covered by collective bargaining agreements. At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that educational programs are offered without regard to sex, race, color, national origin or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability;
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Ref: *General Municipal Law, Article 15-c*
Title IX, Education Amendments of 1972, 20 USC Chapter 38;
45 CFR Part 86
Rehabilitation Act of 1973, § 504; 29 USC § 794
Civil Service Law, Article 14
Matter of Gatje, 24 EDR 191 (1984)

Adoption date: May 23, 1994

STAFF COMPLAINTS REGULATION

Definitions

1. *Grievant* shall mean an employee who alleges that there has been a violation of Title IX or Section 504 Regulations which affect him/her.
2. *Grievance* shall mean any alleged violation of Title IX, of Section 504 Regulations or of a negotiated agreement.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX and/or Section 504.
4. *Representative* shall mean any person designated by the grievant as his/her counsel or to act in his/her behalf.

The resolution of staff complaints alleging any action prohibited by Title IX and/or Section 504 of the Rehabilitation Act shall be dealt with in the following manner:

Stages

A. Stage I--Compliance Officer

1. Within thirty (30) work days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within fifteen (15) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX or Section 504 of the Rehabilitation Act. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the grievant, the Compliance Officer, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within fifteen (15) school days of the receipt of the appeal by the Superintendent.
3. Within fifteen (15) days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of Title IX and/or Section 504 of the Rehabilitation Act, a proposal for equitably resolving the complaint.

4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within fifteen (15) days after the hearing has been concluded.

Adoption date: May 23, 1994

**SMOKING ON SCHOOL PREMISES
BY STAFF MEMBERS**

The Board of Education, recognizing health hazards associated with smoking, will provide non-smoking employees with smoke-free work areas. The Board therefore prohibits smoking in the schools or on the school grounds during the school day and at any school function.

The Superintendent of Schools will have copies of this policy prominently posted in the workplace. In addition, the Superintendent will designate an agent to be responsible for informing individuals smoking in a non-smoking area that they are in violation of Article 13 of the Public Health Law.

It is hoped that all concerned will refrain from smoking by their own volition and for their own benefit.

Cross-ref: 1530, Smoking on School Premises
5312.3, Student Smoking

Ref: Public Health Law Article 13-E; § 206; 340; 347

Adoption date: May 23, 1994

Revised: July 5, 2000

EMPLOYEES WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board acknowledges the interests of employees diagnosed as having AIDS or HIV infection in continuing their employment, as well as the interests of all students and employees of the school district to learn and work without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board of Education that no district employee shall be prevented from continuing his or her employment solely on the basis of such information.

In accordance with current law and regulations, it is also the policy of the Board to prevent any employee from being subjected to adverse or discriminatory treatment or stigma solely because he or she has been diagnosed as having AIDS or being HIV-infected.

The Superintendent of Schools is hereby directed to develop administrative regulations in regard to avoiding employment discrimination against individuals diagnosed as having AIDS or being HIV-infected.

The Superintendent also shall implement, and all school personnel shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on school premises and grounds. The Superintendent should consult public health officials, as appropriate, for the most current methods and information pertaining to such procedures.

In addition, the Superintendent shall develop and immediately implement inservice education and training for all school personnel concerning AIDS and HIV infection and the routine sanitary hygiene procedures to be followed in the case of all spills of blood and other body fluids.

Ref: Public Health Law, Article 27-F
 NY Executive Law §296
 US Rehabilitation Act §504
 10 NYCRR Part 63
 29 CFR §1910.1030 (proposed)
Arline v. School Board of Nassau County, 692 F Supp 1286 (MD Fla., 1988)
School Board of Nassau County v. Arline, 480 US 273 (1987)

Adoption date: May 23, 1994

EMPLOYEES WITH HIV-RELATED ILLNESS REGULATION

If information is received regarding an employee's HIV status, the Superintendent of Schools may consult with the school attorney on the appropriate course of action to take under all the circumstances, bearing in mind the district's potential liability for defamation, employment discrimination, breach of the confidentiality requirements of the New York Public Health Law, and other possible causes of action.

Confidentiality

Information obtained pursuant to a Health Department release form or court order is confidential and shall not be released to anyone, except to (1) persons listed on the said form; (2) persons listed on a court order pursuant to Public Health Law §2785; or (3) persons authorized to receive such information without a release or court order under Public Health Law §2782.

AIDS/HIV Testing

No school official shall require any employee to undergo an HIV Antibody test or other AIDS test. However, this policy shall not preclude school officials from ordering an employee to undergo an examination under Education Law §913, when other illness is suspected, as long as no involuntary HIV antibody test or other AIDS test is administered as a part of such examination.

Standards For Avoiding Employment Discrimination

No disciplinary action or other adverse personnel action shall be taken against an employee solely because he/she has AIDS or HIV infection. Action may be taken against an employee only if he/she is disabled and the disability interferes with his/her ability to perform in a reasonable manner the activities involved in the job or occupation.

The district shall make such reasonable accommodation to enable the employee to perform employment duties as may be required by federal or state law.

Adoption date: May 23, 1994

TERMINATION AGREEMENTS

The Board of Education is greatly concerned about former employees of school districts who have resigned their positions pursuant to settlement agreements after having been served with disciplinary charges or told they would be subjected to disciplinary action. Such termination or settlement agreements often prohibit the disclosure of their terms to prospective subsequent employers, thus preventing prospective employers from becoming fully apprised of the reason(s) the individuals left their former positions and taking appropriate action.

The Board therefore prohibits agreement to any provision in any such settlement which will prevent the district from apprising prospective employers of the reason(s) that an employee has left employment with this district.

No school personnel or Board member, with the exception of the Superintendent of Schools and/or his/her designee, shall make any statements concerning the reason(s) that an individual has left employment with the district. The Superintendent and/or his/her designee shall seek legal counsel concerning the nature of statements which are permissible in the particular case, prior to making any statement in regard to the case.

The district will also report any serious misconduct to the appropriate authorities, including, but not limited to, the State Education Department and local authorities.

Ref: 8 NYCRR Part 83

Adoption date: May 23, 1994

MILITARY LEAVES

The Board of Education recognizes the extensive reemployment rights and protections that federal and state law provide for employees on a military leave of absence. The Board's aim is to guarantee that employees who leave the security of their jobs and family be restored to the status and position they would have enjoyed had they worked continuously in such employment. Pursuant to this goal, military leaves shall incorporate the following requirements:

1. all school district employees shall be granted leaves for obligatory military service, including fulfillment of annual National Guard training commitments;
2. an employee who is engaged in military service and who leaves a position, other than a temporary position, shall be entitled to be restored to such position or to a position of like seniority, status and pay when that individual returns from military service;
3. such employee shall be entitled to participate at his/her own expense in insurance or other benefits offered by the District for employees on a leave of absence that were in effect at the time the individual was called to military service;
4. an employee called to active duty for more than 90 days cannot be discharged without just cause for one year after reemployment;
5. all employees shall be paid their salary while absent due to an order of active duty of military service, for a maximum of 30 days or 22 working days, whichever is greater in any calendar year; and
6. time absent beyond the 22 or 30 day period shall not be counted or included in the public pension or retirement system unless such member contributes to the system the amount the person would have been required to contribute if he/she had been continuously employed during such period.

Reemployment rights attach to the returning employee provided the individual receives a certificate of satisfactory completion of military service and makes an application for reemployment within 90 days after being relieved from such service or at any time during the term of the leave.

If a teacher is called to active duty, the position vacated shall be continued in existence. The position will be deemed temporarily vacant and filled only when the public interest so requires. Any appointment to fill such a vacancy shall be as a substitute appointment. Such substitute employee shall acquire no right to permanent appointment or tenure by virtue of service as a substitute and such service may be terminated at any time in the discretion of the Board. The substitute appointment shall terminate upon the return of the former incumbent to the position, or upon the death or permanent total disability of the former incumbent, or upon failure of former incumbent to return to the position either by election, appointment or promotion.

If a teacher enters military duty before the expiration of a probationary period, the time absent on military duty shall be credited as satisfactory service during such probationary period. If the probation period ends while the teacher is on military duty, the period of such probationary service may be extended by the Board for a period not to exceed one year from the date of

termination of such military duty, but in no event for a period beyond that required by the district at the time of the teacher's entry into military service.

Ref: Military Law §§242; 243; 244
Veterans' Reemployment Rights Act 38 USC §§2021-2024
Internal Revenue Code Notice 90-58
Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), 42
USCA §300bb-1 et seq.

Adoption date: May 23, 1994