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# Pittsford Schools

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## Policy Manual

### Section 6000

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**6110 - CODE OF ETHICS FOR ALL DISTRICT PERSONNEL****General Provisions**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of the Pittsford Central 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.

General Municipal Law, Article 18  
Education Law Section 410  
Labor Law Section 201-d

## Personnel

**6120 - EQUAL EMPLOYMENT OPPORTUNITY**

The Board is committed to a policy of nondiscrimination in all policies and practices dealing with employees and applicants for positions with the school district. This policy covers, but is not limited to, recruiting, hiring, training, and promotion of persons in all position classifications without regard to age, race, creed or religion, color, national origin, sexual orientation, military status, sex, disability, genetic predisposition or carrier status, marital status, political affiliation, veteran status or any other legally protected status.

The Superintendent will have overall responsibility for implementation of this policy and has the authority to develop and maintain effective personnel procedures to ensure that equal employment opportunities exist.

The Superintendent of Schools will set forth required procedures to implement this policy in regulation 6121R.

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d, et seq.  
Prohibits discrimination on the basis of race, color or  
national origin.

Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.  
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 Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed,  
color, national origin, sex, sexual orientation, marital  
status or disability.  
New York State Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed,  
color, national origin, sex, sexual orientation, disability,  
military status, or marital status.  
New York State Military Law Sections 242 & 243  
New York State Labor Law Section 201-g

## Personnel

**6121 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT (PERSONNEL)**

The Board affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment or discrimination is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment or discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability by employees, school volunteers, students, and non-employees such as those seeking employment, contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board prohibits harassment, discrimination or retaliation against any individual based on their opposition to discrimination or harassment. In addition, the Board prohibits harassment, discrimination or retaliation against any individual who participates in an investigation under this anti-discrimination policy. This policy of nondiscrimination and anti-harassment will be enforced on District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees or potential employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the District, as well as school volunteers, visitors, guests and other third parties.

Illegal harassment or discrimination based on an individual's membership in a protected class consists of communication (verbal, written, or graphic) and/or physical conduct relating to an individual's membership in that protected class that is sufficiently severe, pervasive, or persistent so that such conduct:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3) Otherwise adversely affects an individual's employment or academic opportunities.

(Continued)

## Personnel

**6121 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT  
(PERSONNEL) (Cont'd.)**

Additionally, Title IX makes it illegal to engage in sexually harassing behaviors that would jeopardize a student's equal access to the educational program or create a discriminatory workplace. Sexual harassment, under Title IX includes three types of misconduct on the basis of sex:

- 1) Quid pro quo harassment, which is defined as requiring submission to sexual conduct or communication as a term or condition, either explicitly or implicitly, of an individual's employment or education or the submission to, or rejection of, such conduct or communication is used as a factor in decisions affecting an individual's employment or education;
- 2) Hostile work environment, which is defined as severe, pervasive and objectively offensive and unwelcomed sex based speech or conduct; and
- 3) Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined by the Violence Against Women Act.

The District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment or discrimination.

The Superintendent of Schools will set forth required procedures to implement this policy in regulation 6121R.

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621.  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et sq  
Prohibits discrimination on the basis of disability.  
Civil Rights Act of 1964  
42 United States Code (USC) Section 1981(a)  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Prohibits discrimination on the basis of disability.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d etsq  
Prohibits discrimination on the basis of race, color or national origin.

(Continued)

**6121 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT  
(PERSONNEL) (Cont'd.)**

Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq  
Prohibits discrimination on the basis of race, color, religion, sex or national origin.  
Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.  
Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual  
orientation, marital status or disability.  
Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual  
orientation, disability, military status, or marital status.  
Military Law Sections 242 and 243

**NOTE:**

Refer also to Policies

#6122 – NYS Mandated Sexual Harassment Policy

#7550 -- Complaints and Grievances by Students

#7551 -- Anti-Harassment/Anti-Discrimination in the District (Students)

## **6122 - NYS MANDATED SEXUAL HARASSMENT POLICY**

### **Introduction**

Pittsford Central School District (hereafter, “Pittsford Schools”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of commitment to a discrimination-free work environment. Sexual harassment is against the law, all employees have a legal right to a workplace free from sexual harassment, and employees are urged to report sexual harassment by filing a complaint internally with Pittsford Schools. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. Pittsford School’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Pittsford Schools. In the remainder of this document, the term “employees” refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action consistent with federal and state law.

3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Pittsford Schools will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Pittsford Schools who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination consistent with federal and state law.

All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to sexual harassment or retaliation should inform their supervisor, manager, or the designated Title IX Coordinator(s). The name and contact information for the designated Title IX Coordinator is displayed on the district website ([www.pittfordschools.org](http://www.pittfordschools.org)) on the front page of the Human Resources Department or can be found by calling the Human Resources office at 585-267-1008.

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## Personnel

**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)**

All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section of Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Pittsford Schools to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct consistent with federal and state law.

5. Pittsford Schools will conduct a prompt and thorough investigation, as outlined in the accompanying regulations, that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Pittsford Schools will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. Pittsford Schools will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the designated Title IX Coordinator(s).

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

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**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)****What is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Title IX makes it illegal to engage in sexually harassing behaviors that would jeopardize a student’s equal access to the educational program or create a discriminatory workplace. Sexual harassment, under Title IX includes three types of misconduct on the basis of sex:

- 4) Quid pro quo harassment, which is defined as requiring submission to sexual conduct or communication as a term or condition, either explicitly or implicitly, of an individual's employment or education or the submission to, or rejection of, such conduct or communication is used as a factor in decisions affecting an individual's employment or education;
- 5) Hostile work environment, which is defined as severe, pervasive and objectively offensive and unwelcomed sex based speech or conduct; and
- 6) Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined by the Violence Against Women Act.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of sexual harassment:**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of sexual nature, such as:
  - Unwanted touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.

(Continued)

## Personnel

**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)**

- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the respondent's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

**Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

(Continued)

**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)****Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

**Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

(Continued)

## 6122 - NYS MANDATED SEXUAL HARASSMENT POLICY

### Reporting Sexual Harassment

**Preventing sexual harassment is everyone's responsibility.** Pittsford Schools cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the District's Title IX Coordinator(s). Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the District's Title IX Coordinator(s).

Reports of sexual harassment may be made verbally or in writing and can be made in person, by telephone, by email or regular mail. Such complaints may be made at any time. The name and address of the Title IX Coordinator is on the front of the Human Resources page on the district website ([www.pittsfordschool.org](http://www.pittsfordschool.org)).

A form for submission of a written complaint is attached to this Policy (6122F). Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### Supervisory Responsibilities

All supervisors and managers who receive a complaint for information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Title IX Coordinator(s).

### Complaint and Investigation of Sexual Harassment

**All** complaints or information about sexual harassment will be investigated, as required under federal or state law and consistent with the district's policies and regulations, whether that information was reported in verbal or written form.

(Continued)

## Personnel

**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)**

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and respondents will be accorded due process as outlined by federal and state law, to protect their rights to a fair and impartial investigation.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by Pittsford Schools but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Pittsford Schools, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In Addition to those outlined below, employees in certain industries may have additional legal protections.

**State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Currently complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Pittsford Schools does not extend your time to file with DHR or in court. The one-year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

(Continued)

## Personnel

**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)**

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative laws judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information currently is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY (Cont'd.)****Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10<sup>th</sup> Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

The Superintendent of Schools will set forth required procedures to implement this policy in regulation 6121R.

Pittsford Central School District Adopted: 10/9/18, revised 10/2020

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d, et seq.  
Prohibits discrimination on the basis of race, color or  
national origin.  
Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.  
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 Civil Rights Law Section 40-c

(Continued)



## Personnel

**6122 - NYS MANDATED SEXUAL HARASSMENT POLICY**

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

New York State Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

New York State Military Law Sections 242 & 243

New York State Labor Law Section 201-g

Personnel

**6122 - COMPLAINT FORM (for NYS Mandated Sexual Harassment Policy 6122)**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Michel Leone, Assistant Superintendent for Human Resources, by mail or in person at 75 Barker Road East, Pittsford, New York 14564. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In Person**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

(Continued)

Personnel

**6122 - COMPLAINT FORM (for NYS Mandated Sexual Harassment Policy 6122)****COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. (Please use additional sheets of paper if necessary and attach any relevant documents or evidence)

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**6130 - EVALUATION OF PERSONNEL: PURPOSES**

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the District in order to promote improved performance and to make decisions about the occupancy of positions. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to Commissioner's Regulations will be conducted in accordance with the District's Annual Professional Performance Review (APPR).

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) Sections 80-1.1 and 100.2(o)(2)

## Personnel

**6140 - HEALTH EXAMINATIONS**

The Board reserves the right to request a health examination at any time during employment, at District expense, in order to determine whether the employee can perform the essential functions of the position with or without reasonable accommodation.

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

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the 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 thirteen-month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner 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 Superintendent as the determining physician shall take precedence over all other medical advice.

Education Law Sections 913 and 3624  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3(2)  
10 New York Code of Rules and Regulations  
(NYCRR) Part 14  
15 New York Code of Rules and Regulations  
(NYCRR) Part 6

## Personnel

**6150 - ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)**

The Board, 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, prescription drugs not prescribed by a physician, or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance.

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 ensured as required by state and federal law.

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

Education Law Sections 913, 1711(2)(e), and 3020-a  
Civil Service Law Section 75  
Safe and Drug-Free Schools and Communities Act, as  
reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Section 7101 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#6560 -- Employee Assistance Program  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

## Personnel

**6151 - DRUG-FREE WORKPLACE**

It shall be the general policy of the Board to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances not prescribed by a physician. "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.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

The Board 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.

Drug-Free Workplace Act  
20 United State Code (USC) Section 7101 et seq.  
21 United State Code (USC) Section 812  
21 Code of Federal Regulations (CFR)  
1308.11-.15  
34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)  
#6560 -- Employee Assistance Program (EAP)  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

**6160 - ORIENTATION AND PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

It is the policy of the District that new staff orientation, in-service, pre-service, and other staff development programs which are believed to be of benefit to the District and its students is required for all staff. 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. These opportunities will provide for the selection of subjects pertinent to the curriculum in the schools and other pertinent topics 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, 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 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 professional development programs for teaching staff is mandated by contract. The District will record compliance with this requirement and produce an annual report regarding teacher compliance with this requirement.

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)



**6160 - ORIENTATION AND PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)**

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board 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 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 Sections 77-b and -c  
8 New York Code of Rules and Regulations  
(NYCRR) Section 102.2(dd)

## Personnel

**6161 - CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT**

The Board recognizes the need and encourages the professional development of District employees through conference attendance, and therefore will reimburse the employee for reasonable actual costs incurred to attend opportunities that are pre-approved by the Superintendent or his/her designee and as documented on the District's Request for Conference Attendance/ Reimbursement Claim Form. The Board will establish for the fiscal year, the reimbursement rates for mileage, meals and lodging at its Annual Reorganization meeting based on the published Internal Revenue Service publication 1542 in effect at that time. The Board recognizes that occasionally certain costs may be in excess of the IRS allowance for the city of travel, but may prove to be more cost effective due to the mitigation of other costs (i.e. lodging vs. travel). To reinforce its commitment to accountability, the Board will reimburse only those costs that are supported by a detailed receipt or other appropriate documentation. Information regarding what is reimbursable may be found on the back of the Request for Conference Attendance/Reimbursement Claim Form (#6161F).

For purposes of this policy, members of the Board and other non-employees authorized to travel and attend conferences on behalf of the District shall be covered as if they were employees.

The Superintendent or his/her designee will develop procedures to implement and administer this policy.

**6170 - SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

The District shall utilize SED's Web-based application known as TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

**Safety of Students**

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

**"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments**

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2010; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

(Continued)

**6170 - SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRE)(Cont'd.)****Access to TEACH**

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on [www.highered.nysed.gov/tcert/ospra](http://www.highered.nysed.gov/tcert/ospra). To request access to TEACH, e-mail [TEACHHELP@mail.nysed.gov](mailto:TEACHHELP@mail.nysed.gov).

Correction Law Article 23-A

Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

Adoption Date: 1/9/01, 7/12/04, 12/7/09(new title)

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6180

Personnel

**6180 - RELATIONS WITH BOARD**

The Board shall promote and encourage harmonious working relationships between the Board and all employee groups.

## Personnel

**6190 - STAFF-STUDENT RELATIONS (FRATERNIZATION)**

The Board requires that all District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner that a reasonable person may believe that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; inappropriate physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (including but not limited to phone, electronic messaging, letters, notes, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to the employee's supervisor, the student's Principal or the District's designated Title IX complaint officer. In all events such reports shall be forwarded to the designated Title IX complaint officer for further investigation. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the District.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child

(Continued)

## Personnel

**6190 - STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**

abuse in an educational setting) must *also* follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

**Prohibition of Retaliation**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**District Responsibility/Training**

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

**Disciplinary Sanctions**

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Title IX of the Education Amendments of 1972, 20  
United States Code (USC) Section 1681 et seq.  
Education Law Article 23-B  
Social Services Law Sections 411-428  
8 New York Code of Rules and Regulations (NYCRR)  
Part 83

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6210

Personnel

**6210 - CERTIFIED PERSONNEL**

The Board 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 policies, and the employee's negotiated agreement.

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



## Personnel

**6211 - 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, who shall recommend appointment to the Board.

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

The American With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d et seq.  
Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq.  
Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.  
Civil Rights Law Section 40-c  
Education Law Section 3012  
Executive Law Section 290 et seq.  
Military Law Sections 242 and 243

## Personnel

**6212 - 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 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 as soon as they are available to the employee. The copies will be maintained in the employee's personnel file 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 and -a, 3004, 3006,  
and 3008  
8 New York Code of Rules and Regulations  
(NYCRR) Subparts 80-1, -2 and -3

**6212.1 - INCIDENTAL TEACHING**

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)

**6212.1 - INCIDENTAL TEACHING (Cont'd.)**

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-5.3

## **6213 - 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 four (4) years. However, the probationary period shall not exceed three (3) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher 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 staff 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 staff member of the required certification or license.

### **Tenure**

Certified staff members successfully completing a probationary period in the Pittsford Central 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

## Personnel

**6213.1 - 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.

Education Law Sections 3012 and 3020-a  
8 New York Code of Rules and Regulations  
(NYCRR) Subpart 82-1

## Personnel

**6214 - PROFESSIONAL STAFF: SEPARATION**

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee thirty (30) days notice prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice of at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

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

When possible, a professional staff member 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 2509, 3012, 3019-a, and 3031

## **6215 - EMPLOYMENT/SUPERVISION OF RELATIVES**

### **Relatives of Board Members**

The appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board shall be subject to the consent of two-thirds (2/3) of the members of the Board 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 professional staff other than teachers.

### **Supervision of Family Members**

Members of the same family may hold positions in the District. However, at no time shall members of the same family hold regular positions in which one member would be required, as part of his/her responsibilities, to supervise another family member.

For purposes of this policy only, members of the same family shall include the spouse and the mother, step-mother, father, step-father, grandmother, grandfather, grandchild, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, sister, step-sister of the employee or a person in any of these relations to the employee's spouse.

This policy does not apply retroactively to assignments which were made prior to the original adoption date of this policy (7/5/95).

Education Law Section 3016  
General Municipal Law Sections 800-809



## Personnel

**6220 - TEMPORARY PERSONNEL**

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

**Student Teachers**

The Pittsford Central 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 assigned to work with those teachers who have exhibited superior skill in the classroom and who are sufficiently experienced to adequately supervise the student teacher.

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

**Substitute Teachers**

A substitute teacher qualified to teach in the Pittsford Central School District shall be employed, whenever possible, by the Superintendent 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 personnel office shall compile a list of available substitute teachers in all subject areas. Regular substitutes shall be instructed in the philosophy and procedures of the District.

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

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-5.4  
Education Law Section 3023

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6310

Personnel

**6310 - APPOINTMENT - SUPPORT STAFF**

The probationary period for all new civil service employees shall be for a period of six (6) months after initial hire.

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

Civil Service Law Section 63

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6410

Personnel

**6410 - 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.

**6411 - USE OF EMAIL IN THE SCHOOL DISTRICT**

Electronic mail or email is a valuable business communication tool, and users shall use this tool in a responsible, effective and lawful manner. Every employee/authorized user has a responsibility to maintain the District's image and reputation, to be knowledgeable about the inherent risks associated with email usage and to avoid placing the School District at risk. Although email seems to be less formal than other written communication, the same laws and business records requirements apply. School District employees/authorized users shall use the District's designated email system, such as Microsoft Exchange, for all business email, including emails in which students or student issues are involved.

**Employee Acknowledgement**

All employees and authorized users shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.

**Classified and Confidential**

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for such lists or information should be directed to a Principal/supervisor.
- b) Forward emails with confidential, sensitive, or secure information without Principal/supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature.
- c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be communicated via email correspondence.
- d) Use email to transmit any individual's personal, private and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit/debit card number and security code, or any access code/password that permits access to financial accounts or protected student records.
- e) Send or forward email with comments or statements about the District that may negatively impact it.
- f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

(Continued)

**6411 - USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)****Personal Use**

Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the Principal/supervisor. The District's email system shall not be used for personal gain or profit.

**Email Accounts**

All email accounts on the District's system are the property of the School District. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network. Personal accounts and instant messaging shall not be used to conduct official business.

**Receiving Unacceptable Mail**

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via email or instant messaging shall inform their Principal/supervisor immediately.

**Records Management and Retention**

Retention of email messages are covered by the same retention schedules as records in other formats, but are of a similar program function or activity. Email shall be maintained in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

**Archival of Email**

All email sent and received to an employee's email account should be archived by the District for a period of no less than six (6) years. This time period was determined based on the possibility of emails that are the official copy of a record according to schedule ED-1. Depending on the District's archival system, employees may have access to view their personal archive, including deleted email.

**Training**

Employees/authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents and other staff to avoid issues of harassment and/or charges of fraternization.

(Continued)

**6411 - USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)**

- b) Confidentiality of emails.
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms.
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

**Sanctions**

The Director of Technology/Superintendent's Designee may report inappropriate use of email by an employee/authorized user to the employee/authorized user's Principal/supervisor who will take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be involved.

**Notification**

All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.

**Confidentiality Notice**

A standard Confidentiality Notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information  
#7551 -- Anti-Harassment/Anti-Discrimination in the District-  
(Students)  
#5670 -- Records Management  
#6470 -- Staff Use of Electronic Information Network  
#8271 -- Electronic Information Network and Internet Safety

## **6420 - EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**

### **Personnel Records**

The District will 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. 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 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

## **6430 - EMPLOYEE ACTIVITIES**

### **Political Activities**

The Board 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, teachers are in a unique position of influence over students in their classrooms, therefore, when such speech or action occurs on school grounds and/or during school time, the Board 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**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

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



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Personnel

**6450 - 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.

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Personnel

**6460 - JURY DUTY**

A District employee called for jury duty shall receive his/her full day's pay from the 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)

## Personnel

**6470 - STAFF USE OF ELECTRONIC INFORMATION NETWORK**

The Board will provide staff with access to various computerized information resources through the District's Electronic Information Network (EIN hereafter) consisting of software, hardware, computer networks and electronic communication systems including the District telephone system. 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 EIN from their home or other remote locations. All use of the EIN, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the EIN 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 EIN.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the EIN. Just as we learn social codes and behaviors that are acceptable in everyday life, we need to learn and apply the correct processes and rules for using our Electronic Information Network. Students and staff will be provided with instruction and direction in the use of the EIN. Information will be provided to keep parents informed about the use of the EIN. 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 telecommunications 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 EIN; 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.

**Privacy Rights**

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

(Continued)

**6470 - STAFF USE OF ELECTRONIC INFORMATION NETWORK (Cont'd.)****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 EIN.

NOTE: Refer also to Policy #8271 -- The Children's Internet Protection Act: Internet Content Filtering/Safety Policy

## Personnel

**6480 - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT(USERRA)/MILITARY LEAVES OF ABSENCE**

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

**Employment Rights**

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

**Salary/Compensation**

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

**Employee Benefits****Health Plan Coverage**

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

## Personnel

**6480 - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT  
(USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

**Pension/Retirement Plans**

While on military duty, any District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(Continued)

## **6480 - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

### **Reemployment/Restoration Rights ("Escalator Principle")**

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

### **Probationary Service**

#### Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

(Continued)

## Personnel

**6480 - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT  
(USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees*) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the District at the time of the "teacher's" entry into military service.

**Collective Bargaining Agreements/Contracts/Plans/Practices**

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

**Notice of Rights and Duties**

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its web site <http://www.dol.gov/vets/programs/userra/poster.htm> a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and  
Reemployment Rights Act of 1994 (USERRA)  
38 United States Code (USC) Sections 4301-4333  
Public Law 108-454  
20 Code of Federal Regulations (CFR) Part 1002  
Military Law Sections 242 and 243  
Education Law Section 3101



**6510 - 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 (1) 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

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Personnel

### **6520 - 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 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)

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**6530 - PAYROLL DEDUCTIONS**

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

Education Law Sections 1604 and 1709

**6540 - DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES****Liability Protection Pursuant to Education Law**

The Board recognizes its statutory obligation to indemnify District employees (and in certain circumstances, Board 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.

- 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; 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.

**Public Officers Law Section 18**

The Board 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 enactment or provisions of law.

(Continued)

## Personnel

**6540 - DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)**

The term "employees" shall include members of the Board; 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.

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 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 District.

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001, 20 United State Code (USC) Section 6731 et seq.  
Public Officers Law Section 18  
Education Law Sections 1604(25) and (31-b), 1709(26) and (34-b), 2560, 3023, 3028, and 3811  
General Municipal Law Sections 6-n and 52

**6550 - FAMILY AND MEDICAL LEAVE ACT**

The Board, 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 twelve (12) workweeks in a twelve-month period as determined by the District. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-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 twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. 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 (1) 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/her job.

At the Board'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)

**6550 - FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**

The Board has a right to thirty (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 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

## Personnel

**6560 - 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, tobacco abuse or personal problems such as those of a marital, family, or financial nature.

The District recognizes that it does not have the right to intervene unless employees' personal problems adversely affect their jobs. When such adverse effect occurs, the District's supervisory personnel will encourage employees to manage and move toward a resolution of their problems.

A joint District/employee organization committee will be established to assist in the implementation of this policy. District staff will be informed as to the services they can receive through the Employee Assistance Program and encouraged to seek such help voluntarily.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)  
#6151 -- Drug-Free Workplace



## Personnel

**6570 - REMOTE WORKING**

Generally, the District believes that its goals and objectives are best served when employees work in-person on District premises. However, the District recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and the District. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, the District will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

**Remote Working Arrangements**

Remote working is not an entitlement or a District-wide benefit. The ability to work remotely is completely at the discretion of the District. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the Superintendent or designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently.

**Extraordinary Circumstances**

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, the District will notify employees of whether they are expected to work at home full-time, part-time, or not at all. The District retains the right to change the remote working arrangement for any employee at any time.

**Continuity of Work**

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

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**6570 - REMOTE WORKING (Cont'd.)**Compliance with District Policies and Procedures

District employees who are working remotely are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would if they were working

on District premises. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and copyright. Engaging in prohibited conduct may result in disciplinary action as warranted.

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Personnel

**6580 - PROPERTY REPLACEMENT**

The District will reimburse employees for the reasonable cost of replacing dentures, eyeglasses, hearing aids, or similar bodily appurtenances damaged, destroyed or lost as the result of an assault or accident sustained by the employee while acting in the discharge of the employee's duties, provided the employee has not been negligent, unless provided otherwise in a collective bargaining agreement.

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Personnel

**6590 - AUTHORIZATION FOR CONFERENCE ATTENDANCE**

The Superintendent shall be authorized to approve attendance of staff at school-related conferences.

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Personnel

**6591 - DISTRICT MILEAGE REIMBURSEMENT RATE**

Employees who must use their personal vehicle for authorized District travel shall be reimbursed the IRS approved mileage in effect July 1 of each year.