



Subject: **CODE OF ETHICS FOR ALL DISTRICT PERSONNEL**

Policy: 6110

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● **Section 1.** Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the DeRuyter 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.

● **Section 2. Standards of Conduct.** Every Board member or employee of the DeRuyter Central School District shall be subject to and abide by the following standards of conduct:

- **Gifts.** Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.
- **Confidential Information.** He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.
- **Representation before one's own agency.** He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.
- **Representation before any agency for a contingent fee.** He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

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- Disclosure of interest in resolution. To the extent that he/she knows thereof, a member of the Board of Education or employee of the DeRuyter Central School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.
- Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.
- Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- Future employment. He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the DeRuyter Central School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

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

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

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

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

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General Municipal Law, Article 18



Subject: LOYALTY OATH

Policy: 6111

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- All personnel shall be required to take an oath of allegiance to the Constitution of the United States and the State of New York before the effective date of their appointment or employment.



Subject: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Policy: 6112

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- The DeRuyter Central School Board of Education waives the payment of fees associated with fingerprinting and criminal history record check. The payment of fees will be the District's responsibility.

**Subject: CORPORAL PUNISHMENT****Policy: 6113**

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- Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

- However, if alternative procedures and methods, which would not involve physical force do not work, then the use of reasonable physical force may be used for the following purposes:
 - To protect oneself from physical injury;
 - To protect another student or teacher or any other person from physical injury;
 - To protect the property of the school or others;
 - To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts.

- The Board of Education has authorized physical intervention for any of the above purposes. The Committee on Special Education or Section 504 Team shall develop an appropriate behavior management plan for students for whom the need for physical intervention is reasonably anticipated. A reporting procedure will be included in the student's behavior management plan.

- Whenever a school employee uses physical force against a student who does not have a behavior management plan, the school employee shall, within the same school day, make a report to the appropriate Administrator describing in detail the circumstances and the nature of the actions taken. The Building Principal will make a verbal report to the Superintendent of any incident of an employee using physical force or corporal punishment as soon as possible and will file a written report with the Superintendent within 5 days of knowledge of the incident.

**Subject: EQUAL EMPLOYMENT OPPORTUNITY****Policy: 6120**

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- It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, age, marital status, sexual orientation, veteran status or disability.
- Provisions will be provided for the publication and dissemination, internally and externally, of this policy to insure its availability to interested citizens and groups.
- Job descriptions for all District positions shall be developed and maintained by administration. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

*Title VII of the Civil Rights Act of 1964,
42 United States Code (U.S.C.)
Section 2000-e, et seq. – Prohibits discrimination on
the basis of race, color, religion, sex or national
origin.*

*Title VI of the Civil Rights Act of 1964,
42 United States Code (U.S.C.)
Section 2000-d, et seq. – Prohibits discrimination on
the basis of race, color or national origin.*

*Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.*

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

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

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

*Age Discrimination in Employment Act,
29 United States Code (U.S.C.) Section 621.
Military Law Sections 242 and 243*

**Subject: SEXUAL HARASSMENT OF DISTRICT PERSONNEL****Policy: 6121**

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● The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

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

● The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, vendor, or any other individual associated with the School District.

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

● Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly.

(Continued)

**Subject: SEXUAL HARASSMENT OF DISTRICT PERSONNEL****Policy: 6121**

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- To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.
- Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.
- The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.
- Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).
- Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).
- The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.
- A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.



Subject: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

Policy: 6121

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*Title VII of the Civil Rights Act of 1964,
42 United States Code (U.S.C.) Section 2000e et
seq.*

*The Civil Rights Act of 1991
42 United States Code (U.S.C.) Section 1981(a)*

*29 Code of Federal Regulations (CFR)
Section 1604.11(a)*

Executive Law Sections 296 and 297

**Subject: COMPLAINTS NOT COVERED IN CONTRACT AND
COMPLAINTS OF DISCRIMINATION
BASED ON SEX OR DISABILITY****Policy: 6122**

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- In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two procedural stages and an appellate stage for the settlement of any grievance.

- Complaints not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Complaints and Grievances Coordinator

- Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX, Section 504, ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

- Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX, Section 504, ADA Coordinator.

- The Title IX, Section 504, ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, age, veteran or marital status.

*Title VII of the Civil Rights Act of 1964,
42 United States Code (U.S.C.)
Section 2000-e, et seq. – Prohibits discrimination on
the basis of race, color, religion, sex or national
origin.*

*Title VI of the Civil Rights Act of 1964,
42 United States Code (U.S.C.)
Section 2000-d, et seq. – Prohibits discrimination on
the basis of race, color or national origin.*

*Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.*

(Continued)

**Subject: COMPLAINTS NOT COVERED IN CONTRACT AND
COMPLAINTS OF DISCRIMINATION
BASED ON SEX OR DISABILITY****Policy: 6122**

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

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

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

*Age Discrimination in Employment Act,
29 United States Code (U.S.C.) Section 621.*

Military Law Sections 242 and 243

**Subject: WRONGFUL CONDUCT, DISCLOSURE OF WRONGFUL CONDUCT (WHISTLE BLOWING) AND PROTECTION FROM REPRISAL****Policy: 6123**

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- The Board of Education values the contribution of all its employees and is committed to the principle of open government. The Board of Education of the DeRuyter Central School District has adopted policies and the District has promulgated regulations for standards of conduct and behavior. Additionally, DCS Board Members and District Employees are expected to abide by applicable state and federal laws. A Board Member or District Employee cannot be compelled by a supervisor or District official to violate a District policy, regulation, an applicable law, or public policy. In the interest of the District, a Board Member or District employee who has particular knowledge of specific acts, which he or she reasonably believes constitute wrongful conduct should disclose the conduct to the appropriate District official, the president of the DCS Board of Education or appointee defined under this policy.
- If an adverse employment action is taken against a District employee in knowing retaliation for his or her good faith disclosure of information to a Board Member or district official concerning alleged wrongful conduct, as defined in this policy, and if the employee's work performance or behavior did not warrant the adverse action, then the District shall take remedial action for the employee and corrective action against the supervisor.
- The Superintendent of Schools shall devise administrative regulations and procedures for handling disclosure and responding to complaints or reprisal or retaliation and submit them to the DCS Policy Committee to be approved and sent on to the full Board for final approval. These procedures must conform to the guidelines detailed below.
- This policy and other relevant regulations and procedures shall be discussed with employees at the time of their hiring, published in employee handbooks, posted in employee lounges and all workspaces, and a copy given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis, as well as posted on applicable District websites.
- Three years after the approval of this policy, the Policy Committee will assess the effectiveness of this policy, regulations and procedures and make appropriate changes deemed necessary by the assessment.

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**Subject: WRONGFUL CONDUCT, DISCLOSURE OF WRONGFUL
CONDUCT (WHISTLE BLOWING) AND PROTECTION
FROM REPRISAL**

Policy: 6123

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Wrongful conduct is defined in this policy to be:

- Theft or fraud of District money, property, resources, or authority, or the use of District money, equipment, property, resources, materials or supplies or authority for personal gain or profit or theft of service or other non-District related purpose except as provided under District policy; or
- A serious violation of District Policy or regulation; or
- A violation of applicable state or federal law
- A conflict of interest

**Subject: HEALTH EXAMINATIONS****Policy: 6140**

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- All teachers initially appointed to probationary positions may be required to get a physical examination. When such examination is made by the school physician the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.
- The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine the physical and mental capacity of an employee to perform his/her duties.
- Support staff personnel initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician.
- All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a twelve (12) month period.
- Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician and the Superintendent, such procedure is deemed necessary.
- The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Education Law Section 913

Bus Drivers: 8 New York Code of Rules and Regulations Section 156.3(2)

Rules and Regulations of the Commissioner of Motor Vehicles Section 5.09-b

Cafeteria Workers: State Sanitary Code

**Subject: ALCOHOL, DRUGS AND OTHER SUBSTANCES
(SCHOOL PERSONNEL)****Policy: 6150**

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- The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.
- The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs 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 insured as required by state and federal law.
- The Superintendent shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

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

**Subject: DRUG-FREE WORKPLACE****Policy: 6151**

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- It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 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 School District.
- The Board of Education directs the administration to develop regulations to comply with this policy, including informing all employees, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

*Drug-Free Workplace Act
(Public Law 100-690)
34 Code of Federal Regulations (CFR) Part 85*

**Subject: EMPLOYMENT OF RELATIVES OF
BOARD OF EDUCATION MEMBERS****Policy: 6215**

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

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

*Education Law Section 3016
General Municipal Law Sections 800-809*



Subject: STUDENT TEACHERS

Policy: 6220

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- The DeRuyter 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 protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

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



Subject: MAINTAINING DISCIPLINE AND CONDUCT

Policy: 6410

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

**Subject: EMPLOYEE PERSONNEL RECORDS AND
RELEASE OF INFORMATION****Policy: 6420**

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Personnel Records

- Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.
- Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

Release of Personnel Information

- All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:
 - When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
 - When the employee grants permission.
- Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

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

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

**Subject: EMPLOYEE ACTIVITIES****Policy: 6430**

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Political Activities

- The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.
- However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.
- Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff Personnel

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

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

**Subject: JURY DUTY****Policy: 6460**

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

**Subject: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES****Policy: 6470**

Page 1 of 2

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

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

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

- Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and 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 DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

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

(Continued)



Subject: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

Policy: 6470

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

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 insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

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

**Subject: HEALTH INSURANCE****Policy: 6510**

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Continuation of Medical Insurance Coverage at Termination of Employment

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

- Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:
 - Death of the covered employee; or
 - Divorce or legal separation from the covered employee; or
 - An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
 - 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*

**Subject: WORKERS' COMPENSATION****Policy: 6520**

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- Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries within 24 hours to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.
- Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

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

**Subject: PAYROLL DEDUCTIONS AND
TAX SHELTERED ANNUITIES****Policy: 6530**

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

Authorization to Purchase Annuities

- The Board of Education of the DeRuyter Central School District shall make tax sheltered annuities (TSA) plans available to the staff through payroll deductions. TSA policies meeting the tax sheltered provisions of the Internal Revenue Service may be offered including fixed and variable plans.
- The Business Administrator will act as the Board's representative in all matters dealing with TSA's sold to employees through the school district. As such, (s)he will review literature to be distributed and maintain copies of all salary reduction and hold harmless agreements.
- All companies will be approved by the Business Administrator.
- Failure on the part of any company and/or agent to comply with this policy will be sufficient grounds for denying further sales to DeRuyter Central School District employees.

Approval of Salary Reduction Agreements

- All employees entering into a TSA Salary Reduction Agreement must have on file in the District Business Office the following forms before the election will become effective:
 - Salary Reduction for 403(b) Plans.
 - Statement of Understanding and Hold Harmless Agreement Regarding Tax Sheltered Annuity Program.
 - Employees who wish to use special "catch-up elections" to contribute more than the basic salary deferral for the year must provide a vendor, financial, tax or legal counsel form which shows the maximum amount of elective deferrals for the tax year.

Contact Between Employees and Insurance Agents

- Only companies receiving approval of the Business Administrator may make printed TSA literature available to DeRuyter Central School District employees. The literature must not contain any statement which indicated that the Board of Education or the administration recommends the plan.

(Continued)

**Subject: PAYROLL DEDUCTIONS AND
TAX SHELTERED ANNUITIES****Policy: 6530**

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- Once contacted by a School District employee, an agent may also meet the employee at school to discuss policy provisions. An agent may also meet the employee at school to have papers signed.
- Employee information, including addresses and/or telephone numbers, will not be provided to company's agents. Initial contact with the agent must be made by the employee.

Plan Distributions and Transfers

- The District will not authorize any distributions from the TSA Plan that is restricted in accordance with Section 403(b) of the Internal Revenue Code.
- The District will only allow transfers directly from one product provider to another or one product to another.

Periodic Statements

- The employee will be responsible for requesting periodic statements from the vendor and for verifying the accuracy of the statements.

**Subject: DEFENSE AND INDEMNIFICATION OF
BOARD MEMBERS AND EMPLOYEES****Policy: 6540**

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Liability Protection Pursuant to Education Law

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

- The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.
 - For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
 - For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

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

Public Officers Law Section 18

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

(Continued)

**Subject: DEFENSE AND INDEMNIFICATION OF
BOARD MEMBERS AND EMPLOYEES****Policy: 6540**

Page 2 of 2

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

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

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

Exceptions to Liability Coverage

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

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

**Subject: LEAVES OF ABSENCE****Policy: 6550**

Page 1 of 2

- In general, leaves of absence:
 - Shall be administered by the Superintendent.
 - The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
 - Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
 - Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

- Leaves of absence, contractual, et al:
 - Employees who are members of a negotiating unit:
 - Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
 - Employees who are not members of a negotiating unit:
 - Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
 - Employees who are under contract to the District:
 - Authorization is granted to implement provisions for leaves of absence contained in each such contract.

- Leaves of absence, unpaid, not covered in b) 1. above:
 - Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.

(Continued)

**Subject: LEAVES OF ABSENCE****Policy: 6550**

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

*Education Law Sections 1709(16),
3005, 3005-a, and 3005-b*

**Subject: EMPLOYEE ASSISTANCE PROGRAM (EAP)****Policy: 6560**

Page 1 of 1

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

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

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

**Subject: EMPLOYEE BENEFITS: NON-AFFILIATED PERSONNEL****Policy: 6570**

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Effective Date – July 1, 2011

Amended: August 24, 2011

- The annual compensation of employees of the DeRuyter Central School District whose positions are not included within a collective bargaining unit (i.e., "non-affiliated employees") shall be determined by:

- by contract approved by the Board of Education to be adopted upon the recommendation of the Superintendent of Schools.

- **The Non-Affiliated Positions**

- Administrative Positions – The non-affiliated administrative positions are the Assistant Superintendent for Management Services, Principal, and Director of Special Education/Curriculum Development.
- Managerial Positions – The non-affiliated managerial positions are the Transportation Supervisor, Cook Manager, Systems Operator, Supervisor of Buildings and Grounds, and Night Head Custodian.
- Secretarial and Clerical Positions – The non-affiliated secretarial and clerical positions are the Secretary to the Superintendent, Confidential Secretary to the Director of Special Education/Curriculum Development and the District Treasurer.
- New Non-Affiliated Positions – The Board shall determine the appropriate category (i.e., administrative, managerial or secretarial/clerical) at the time any new non-affiliated position is created. The holder of a newly created non-affiliated position shall receive the base benefits incorporated from the relevant collective bargaining agreement for said category.