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## 610 Employment procedure

The assistant superintendent for business and the director for human resource services are designated by the superintendent, the responsibility for the recruitment, employment, assignment and termination of all non-certificated personnel, and the management of the required record-keeping to perform the personnel function.

## 611 Recruiting

The objective in recruitment shall be to obtain the best possible employee within the financial ability of the district, without consideration as to age, sex, race, national origin, political, or religious beliefs in determining qualifications for employment.

### 611.1 Publication of notice of vacancy

Positions open shall be published by appropriate means in the schools, departments, and in the community.

#### 611.11 Employee rights

The agreement between the superintendent, the Board of Education, and the recognized non-teaching employees' organization shall govern the posting of vacancy notices and employee rights regarding a vacancy.

### 611.2 Responsibility

Recruitment of personnel is the responsibility of the director of human resource services. Appropriate funds shall be included in the budget for recruitment expenses.

## 612 Application procedure

The objective of the application procedure is to assure the official facilitation of the selection process.

613 Interviewing, screening and selection

All applicants for employment shall be interviewed by the assistant superintendent for business and/or members of the staff designated by him.

The applicants interviewed for competitive positions shall be from eligibility lists furnished by the Civil Service Commission.

The immediate supervisor, in consultation with the assistant superintendent for business and the director for human resource services, shall suggest the selection for the superintendent to recommend the Board of Education for appointment.

613.1 Employee applicants

The agreement between the superintendent, the Board of Education, and the recognized non-teaching employees' organization shall govern the rights of employees seeking positions, and the denial of employees' applications for said positions.

614 Qualifications

The Board of Education directs the superintendent to maintain up-to-date job descriptions in compliance with Civil Service Law for all positions in the non-teaching service. The job descriptions shall contain general statement of duties, features of the class, typical work activities, required knowledge, skill and abilities, and acceptable experience and training.

614.1 Competency in the area of employment

Rules and regulations of the New York Civil Service Law shall be observed.

614.2 Required license

Each bus driver applicant is required to be licensed by the Motor Vehicle Bureau, before he/she may be approved as a School Bus Driver.

614.3 Physical Examination and Tuberculosis Clearance

Each non-teaching employee shall furnish the director for human

resource services with a health and tuberculosis clearance (x-ray or test) certificate prior to the start of work, but in no instance later than the start of the second month of employment.

614.31 Annual health clearance

Bus drivers, regular or substitute, shall have an annual physical examination authorizing service which shall be paid for by the school district.

614.32 Acquired Immune Deficiency Syndrome (AIDS)

The School Board recognizes the public concern over the spread of Acquired Immune Deficiency Syndrome (AIDS) and the administration of students and employment staff who suffer from this disease. The Board also recognizes the rights of those individuals so afflicted, students or staff, to continue education or employment where possible.

The School Board also recognizes that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS can be transmitted by casual contact.

The School Board has the responsibility to seek professional advice in the public health area. Therefore, in any instance were any employee (including any unpaid volunteer) or student diagnosed infected with the AIDS virus, the superintendent should arrange to have the school physician review the individual's medical records.

- a. In the case of an employee, the school physician shall make a recommendation to the superintendent as to whether the employee can safely continue in the school setting after consulting with the local public health officer, the physician who made the AIDS diagnosis, and the adult employee. The superintendent shall consult with the school attorney prior to rendering a recommendation to the Board of Education.
- b. In the case of a student, the school physician shall make a recommendation to the superintendent as to whether the

student can safely continue in the school setting after consulting with the local public health officer, the physician who made the AIDS diagnosis, the nurse coordinator, the director of special services, and the student's parent or guardian. The superintendent shall consult with the school attorney prior to rendering a recommendation to the Board of Education.

All information and proceedings concerning students or employees afflicted with AIDS will be kept strictly confidential except for referral to the school physician, the public health officer, and possibly the Committee on Special Education, or as may be required by law. Employees of the District may be provided with information concerning students or employees diagnosed as suffering from AIDS where, in the judgment of the superintendent, on advice of the school physician and the public health officials, the sharing of information is necessary to protect the health and safety of any individual in the schools.

#### 614.33 Smoking Regulations

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking in all areas of the school district property.

No person shall use tobacco products of any kind on school grounds, in school buildings, or in school owned or leased vehicles used to transport children or school personnel, at any time.

The District's smoking policy shall be prominently posted in each building. The Board designates the superintendent of schools or his or her designee as agent responsible for informing individuals smoking that they are in violation of Education Law 409 (2), Article 13 of the Public Health Law and/or the federal Pro-Children Act of 1994. (Adopted: 03/29/90, 10/27/94)

#### 614.34 Drug-Free Workplace

A. The school district operates a Drug-Free Workplace as

defined in the Drug-Free Workplace Act of 1988.

- B. The following statement will be supplied to all employees performing services in connection with any Federal grant:

No employee may unlawfully manufacture, distribute, dispense, possess or use, on or in the workplace as defined below, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as that term is defined in Schedule I through V of §202 of the Controlled Substance Act (21 U.S.C. 812) and in 21 C.F.C. 1300.11 through 1300.15.

The term "workplace", as used herein, means the site for performance of work done, including: school buildings or other school premises, school-owned vehicles or school-approved vehicles used to transport students in connection with school or school activities, and non-school-owned property at which any school-sponsored or school-approved activity in which students are under the jurisdiction of the school district is conducted.

Any employee who violates the terms of the above-stated policy shall be subject to appropriate personnel action up to and including termination, in accordance with contractual language and appropriate State Law.

#### 614.4 Personnel qualifications

Non-teaching employees must be of good moral character; must be reliable; must have good personal health habits, home and family relations, health record, emotional stability, and the ability to deal amicably with children and staff members. The employees are expected to be able to develop a fine working spirit, a sense of pride in their work, and a feeling of responsibility toward their school.

#### 615 Appointment procedure

The Board of Education shall appoint non-teaching employees only upon the recommendation of the superintendent of schools. The applicants for competitive positions under Civil Service shall be chosen from a list of eligible candidates as submitted by the Civil Service Commission.

616 Part-time and substitute employees

The basis for employment of part-time and substitute employees shall be the same as those for the employment of full-time employees of the same classification.

618 Personnel records

At the time of initial employment, each employee shall file with the district, prior to the first day of employment, a complete employment history, record of education, and record of military service, if any; proof of discharge from military service, if pertinent, must be furnished.

For the benefit and use of the school district and the employee, the district is required to maintain a complete up-to-date personnel file in the office of the director for human resource services. The records shall include the following information:

- a. Correct name, address and telephone number
- b. Data on education
- c. Negative PPD (TB) skin test
- d. Record of work assignments
- e. Evaluation of past work history
- f. Attendance records
- g. Letters of Board action
- h. Physical or mental disabilities that would limit performance of job
- i. Conviction record
- j. Finger-printing clearance

620 Duties and responsibilities

Civil Service employees shall perform the duties described in the Civil Service job description.

Employees not under Civil Service shall perform the duties in the job description prepared by the administration.

630 Employment conditions

Terms of employment shall be communicated to all non-teaching employees at the time

of appointment.

631 Time schedule

The agreement between the superintendent, the Board of Education, and the recognized non-teaching employees' organization shall govern the workday, work week, and work year for non-teaching employees.

632 Orientation and training

632.1 Orientation

New employees shall be oriented upon entrance in a position by the director for human resource services and the immediate supervisor.

632.2 On-the-job training

In-service training for non-teaching personnel may be furnished from time to time, upon the recommendation of the immediate supervisor and approved by the assistant superintendent for business, at the expense of the school district.

632.3 Workshop meetings

The Board of Education encourages attendance at workshops, conferences, meetings, etc., as recommended by the immediate supervisor and approved by the assistant superintendent for business. The Board of Education may approve payment of actual and necessary expenses incurred in such attendance.

632.4 Unlawful Discrimination and Harassment Policy for Employees

The Board is committed to providing a work and educational environment that promotes respect, dignity and equality. The Board recognizes that the discrimination and harassment of staff and students negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that prevention and elimination of discrimination and harassment in schools is essential to ensure a healthy environment in which employees can work and students can learn. Accordingly, the Board condemns and strictly

prohibits all forms of unlawful discrimination and harassment of staff and students in admission or access to, or treatment or employment in, its programs and activities on school grounds, on school buses and at school-sponsored events, programs and activities (including those that take place outside of the District). All staff and students are prohibited from engaging in the conduct prohibited by this policy.

#### 632.41 Definitions

Unlawful discrimination and harassment is defined as discrimination and harassment on the basis of race, color, sex, national origin, citizenship status, ethnicity, military status, disability, marital status, sexual orientation, genetic predisposition or carrier status, age, religion or protected religious activity, creed, and any other basis protected by applicable federal, state or local law. Unlawful harassment occurs when the work or education environment becomes intimidating, hostile or offensive as a result of conduct which has the purpose or effect of unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities.

Sexual harassment is a form of harassment prohibited by this policy. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when:

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

It is a violation of this policy for any employee, student or third party (school visitor, consultant, vendor, etc.) to engage in conduct prohibited by this policy.

#### 632.42 Reporting and Investigating Complaints

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of unlawful discrimination and/or harassment report such conduct immediately pursuant to the District's Unlawful Discrimination and Harassment Complaint Procedure.

The District will promptly investigate all complaints of unlawful discrimination and harassment. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

#### 632.43 Resolution

If after appropriate investigation the District finds that an employee, student, or third party has violated this policy, prompt corrective action will be taken in accordance with applicable collective bargaining agreements, District policies, and state and federal law.

The District will not retaliate against any complainant or other person who participates in good faith in the investigation of a complaint of unlawful discrimination and/or harassment.

The Superintendent of Schools is required to develop and implement regulations for reporting, investigating, and remedying allegations of unlawful discrimination and harassment.

Training programs shall be presented to students and employees to raise awareness of the issues surrounding unlawful discrimination and harassment and to implement preventive measures to help reduce incidents of such unlawful conduct. This policy shall be posted in a prominent place in each District facility and shall also be published in student, parent, and

employee handbooks, and other appropriate school publications.  
(Adopted: 01/12/10)

633 Classification of employees

There are two classifications: probationary and permanent.

633.1 Probationary employees

The probationary period shall be six (6) months.

633.2 Permanent employees

All employees who have satisfactorily completed their probationary period shall be classified as permanent employees.

634 Supervision

The principal, or immediate supervisor, shall be responsible for supervising all employees under his or her jurisdiction. The purpose of supervision shall be to:

- a. Aid the employee to attain and maintain maximum effectiveness in skills, attitudes and characteristics which pertain to his or her assigned duties and the educational system;
- b. Promote closer, better understanding among personnel of their role on the educational team.

The assistant superintendent for business shall assume control of non-teaching personnel when their assignment is such that they are not under the direct supervision of a building principal or other supervisor.

635 Assignments

Each non-teaching employee shall be given a specific assignment in terms of duties, work hours and year, and to whom he/she is responsible.

636 Transfers and reclassifications

Relocation of personnel may become necessary to meet work load conditions,

building or program requirements, or for other good reasons.

#### 636.1 Administrative transfers

Administrative transfers may be made for any of the following reasons:

- a. An employee who has received a weak or unsatisfactory formal evaluation may be transferred to another location if he or she has the potential to succeed, in the judgment of the administrative staff.
- b. If factors in his or her present location require staff reduction, an employee with the least amount of service to the district will be the first transferred and/or laid off.
- c. When a new school is opened, transfers may be based upon the needs of the new school.
- d. An employee may be transferred to any school at any time, if such transfer is deemed necessary for the good of the district, and if such transfer does not impose an unreasonable hardship upon the employee.
- e. The superintendent or his designee shall effect all administrative transfers with the full cooperation of all parties concerned whenever possible. Reasons for transfers shall be expressly understood by those affected, be in the best interest of the schools, and above all, be equitable to all parties concerned.

#### 636.2 Voluntary transfers

An employee must have an acceptable performance record and be a permanent employee in order to request a transfer.

The following guidelines shall be utilized by the director for human resource services:

- a. Request in writing may be made at any time during the year, to either a specified or an unspecified location.
- b. The principal and immediate supervisor where the employee is

assigned must be made aware of the request for transfer.

- c. The principal and immediate supervisor of the receiving school or department must approve the request, unless the superintendent directs that the transfer be made.
- d. The filing of a request for transfer shall be without prejudice to the employee, and shall not jeopardize his or her present assignment. The request may be withdrawn at any time prior to the official confirmation that the transfer has been effected.
- e. Voluntary transfers shall be made effective at a time in the best interest of the district.

#### 636.3 Reclassification or demotion

Reclassification may be voluntary, or due to re-evaluation of duties. Civil Service guidelines will be followed.

#### 637 Evaluation, or work appraisal

The developments of a strong staff and the maintenance of the high morale among employees are of paramount importance. The task of finding the right person to fill vacancies, of determining assignments and equitable work loads, of establishing wage and salary policies to encourage employees to put forth their best efforts, of evaluating employee achievements and of providing a good atmosphere in which to work, are some of the major objectives of the Board of Education.

The principal and/or the immediate supervisor shall continuously evaluate all employees under his or her jurisdiction. The district staff may be called upon to assist in the evaluation.

Evaluations shall be utilized to inform employees of their performance, and as an aid in improving performance. In order to accomplish this objective, evaluation reports shall be discussed with the employee evaluated. The employee shall be given a copy of his or her evaluation, shall sign the district's copy to certify that he or she has seen it and that it has been discussed with him or her. Each employee shall be permitted to comment on the evaluation prior to its being filed in the personnel office.

The evaluation is the judgment of the evaluator regarding the employee's performance. An employee who believes that the evaluation is not a true reflection of his or her performance may request a conference with the appropriate person.

638 Grievance procedure

The agreement between the superintendent, the Board of Education and the recognized non-teaching employees' organization shall govern the grievance procedure.

639 Reduction-in-Force, demotion, suspension and separation

Separation from service may be by reduction-in-force, resignation or by dismissal as per Civil Service rules and regulations.

All employees shall be required to submit at least two (2) weeks' notice prior to leaving employment in the district. In the absence of said notification, or approval of the superintendent to waive the notification requirement, employees will not be eligible for remuneration for accrued vacation time.

640 Compensation and Benefits

The Board of Education, in order to secure and retain competent employees, desires that its salary and wage policy shall be based upon payment of prevailing wages. "Prevailing wages" are defined as the average wages paid by private and public employers for the same type of classification of work in the region of Saratoga Springs, as performed by school employees. The Board believes that the school district should pay neither more or less than does the community for comparable skills. The salary and wages paid shall be on an objective schedule, based upon the area prevailing wage for the classification of work.

The Federal, state and agreement between the superintendent, the Board of Education and the recognized non-teaching employees' organization shall govern salaries and fringe benefits.

650 Absences and Leave

655 Family and Medical Leave Act

Consistent with the federal Family and Medical Leave Act of 1993 ("FMLA"), the Board of Education recognizes the right of eligible employees to take up to twelve (12) weeks of unpaid leave during any twelve (12) month period for certain family and medical reasons ("Basic FMLA Leave"), and to take up to 26 weeks of unpaid leave in a single 12-month period to care for a military covered service-member who has a serious injury or illness that incurred in the line of duty ("Military Caregiver FMLA Leave"). Any such leave shall be provided in accordance with FMLA, applicable District policies and collective bargaining agreements.

In order to be eligible for leave under FMLA, a District employee must:

- a. Have worked for the District for at least 12 months;
- b. Have worked at least 1,250 hours in the immediately preceding 12 months; and
- c. Be employed at a worksite where at least 50 employees are employed by the District within a 75-mile radius of that worksite.

In accordance with FMLA, a full-time classroom teacher is deemed to meet the 1,250 hour requirement.

Eligible employees must be taking Basic FMLA Leave for one of the following reasons:

- a. For the birth of the employee's child, to care for the child after birth (so long as such leave concludes within twelve (12) months from the date of the child's birth) or for the placement with the employee of a child for adoption or foster care (so long as such leave concludes within twelve (12) months from the date of the child's placement);
- b. To care for a spouse, child or parent with a serious health condition;
- c. For the serious health condition of the employee that makes the employee unable to perform the functions of his/her job; and

- d. For specific qualifying exigencies arising when an employee's spouse, child or parent is on active military duty, or is called to active military duty. "Qualifying exigencies" are defined by FMLA and include, by example, attending certain military events, arranging for alternative childcare, addressing certain legal and financial arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees must be taking Military Caregiver FMLA Leave to care for a covered service-member (as defined by FMLA) who is the employee's spouse, child, parent, or other next-of-kin, and who has a serious injury or illness.

Additional guidelines and requirements regarding FMLA are outlined in the Administrative Regulations Handbook.

(Adopted: 05/12/09)

#### 660 Recognition of employee organization

The Board of Education shall recognize, as the exclusive negotiating unit for non-teaching employees, that organization or organizations which are supported by a majority of the non-teaching personnel of the district.

#### 661 Procedures for negotiation

The procedures for negotiation shall be governed by the agreement between the superintendent, the Board of Education and the recognized non-teaching employees' organization or organizations, by Board Policy 177, and by the New York State law.

#### 670 Individual activities

##### 672 Soliciting, selling or collecting

No soliciting, selling or collecting shall be engaged in by non-teaching employees, if such activity uses the position and repute of the school district or of the employee.

Employees of the district shall not sell or receive commission or other compensation for sales made to the school district.

673 Non-school employment

Non-teaching employees of the school district shall not engage in any non-school employment which interferes with their school duties, their ability to perform their school duties, or which reflects adversely on the public school system.

674 Participation in community life

Non-teaching employees are encouraged to live in the community and to participate actively in community affairs.

674.1 Political activity

Non-teaching employees have the same citizenship rights and responsibilities as all citizens. However, school employees shall not engage in political activities during working hours or on school premises. No non-teaching employee shall be a candidate for the Board of Education in this district.

674.2 Participation in organizations

Non-teaching employees are encouraged to join and participate in organizations of their choice. However, membership in subversive and discriminatory organizations is regarded by the Board of Education as undesirable.