

# POLICY



# No. 9180

## Staff Use of Personal Electronic Devices for Work-Related Duties

**WESTBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION**

### STAFF USE OF PERSONAL ELECTRONIC DEVICES FOR WORK-RELATED DUTIES

The Board of Education authorizes staff use of personal electronic devices to access the District's computer network to carry out job duties in accordance with this policy. Any other staff use of personal electronic devices must not interfere with performance of work responsibilities or disrupt school operations.

Staff members who choose to use their own personal device will not be reimbursed and will not receive an annual or monthly allowance.

- Register the device with the District Network Administrator using the appropriate District procedure.
- Abide by the rules of acceptable network use outlined in policy 8630, Computer Resources and Data Management and its associated regulation.
- Use only the District's network to access the Internet or District applications while on school grounds; do not use other gateways to the Internet to conduct District business.

Maintenance and repair of personal devices is the staff member's responsibility. The District's technology department will not service or repair any personal device.

#### **Privacy**

To ensure District compliance with federal and state confidentiality requirements, the District's technology department will monitor District computer network activity. The District maintains its right to access and monitor the District's network. In order to avoid an invasion of privacy of personal devices, staff is advised to keep all District files separate from personal files by properly using the District's computer network to perform work functions and maintain District records. Employees should not have an expectation of privacy if the District's network is used for any purposes.

#### **Violations of Policy**

Violation of this policy may result in revocation of permission to use a personal electronic device for work purposes and/or discipline of the employee in accordance with applicable negotiated agreements.

## **Separation from Employment**

When staff leaves District employment access to the District's network will be discontinued.

The Superintendent, or his/her designee, will develop procedures and maintain records to implement and monitor this policy.

Cross-ref:     1120, District Records  
                  5500, Student Records  
                  8630, Computer Resources and Data Management

Adoption date: May 15, 2014

# POLICY



## No. 9320

### Drug-Free Workplace

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**WESTBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION**

#### DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

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

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707  
Controlled Substances Act, 21 U.S.C. §812  
21 CFR §§1300.11-1300.15  
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)  
Civil Service Law §75  
Education Law §3020-a  
*Patchogue-Medford Congress of Teachers v. Board of Education*,  
70 NY2d 57 (1987)

Adoption Date: May 15, 2014

# POLICY



## No. 9510.2

### OVERTIME WORK FOR CERTAIN EMPLOYEES

WESTBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION

### OVERTIME PAYMENT

#### *Non-Negotiated Employees*

It shall be the policy of the Board of Education that no employee shall work overtime without the prior approval of his/her Building Principal or immediate supervisor. Before granting approval for overtime, the immediate supervisor shall contact the Superintendent or Designee. The Superintendent or Designee shall determine the necessity for the overtime and shall contact the Business Office to verify that there are funds to cover the hours requested. Based on the information received from the Business Office, the Superintendent or Designee shall advise the Principal or immediate supervisor that the request is granted or denied.

In no event shall an employee present his/her overtime request directly to the Superintendent or Designee. All requests for overtime must come from the Principal or immediate supervisor.

Any overtime hours claimed that have not been pre-approved through the process described above shall not be paid by the district.

In the event there is a dispute concerning a request for overtime that can not be resolved between the immediate supervisor and the Superintendent or Designee, the matter will be referred to the Superintendent of Schools to make the final decision.

Payment for overtime for all employees shall be paid as soon after the overtime is incurred as is practicable, but not later than the second pay date following the week in which the overtime was incurred or within a maximum of 30 days.

#### **Confidential Secretaries**

Any overtime worked by confidential employees must be authorized in advance by a **Confidential Secretaries** supervisor. Overtime worked in excess of 35 hours per week will be paid for at a rate of 1.4 times the basic straight time rate for hours between 35 and 40, and 1.5 times for hours over 40. Employees working overtime on Sunday shall receive double time.

When overtime hours have been worked, the employee should notify the payroll office whether he/she desires overtime pay or will take compensatory time off.

Compensatory time off must be taken within a four week period following the overtime hours worked by the employee. If the compensatory time is not taken within such period, the employee will be paid for the overtime worked at rates set forth in Paragraph two (2).

An employee's request to take compensatory time at a particular time will be honored by the school district unless to do so would be unduly disruptive to the district's operation.

Adoption date: August 22nd, 2023

# POLICY



## No. 9510.2-R

### OVERTIME PAY REGULATIONS

WESTBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION

#### OVERTIME PAY REGULATION

Any district employee submitting a request for overtime pay on his/her own behalf, or on behalf of a subordinate employee shall submit the request during one of the next three pay periods which immediately follow the pay-period(s) for which overtime pay is sought. All requests for overtime shall be approved by the employee's immediate supervisor in advance of the work performed and time cards evidencing the hours worked shall be signed by the immediate supervisor and the Superintendent of Schools prior to submission for payment. In the event that a request for overtime is received after the pay-period immediately following the overtime work, it shall be accompanied by a written explanation regarding the reasonable basis for later submission. Such late submissions shall only be paid with the Superintendent's written approval.

The employee's weekly time card must state hours worked and provided start and end times for each day worked during the week for which overtime pay is requested. Time cards must additionally explain any time that the employee was not working during the same week for lunch, breaks and other leave time.

Cross-ref: Collectively Negotiated Agreements

Adoption date: August 22<sup>nd</sup>, 2023

# POLICY



## No. 9520.2

### Family and Medical Leave

**WESTBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION**

#### FAMILY AND MEDICAL LEAVE

Consistent with the federal Family and Medical Leave Act (FMLA) of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid, job protected family and medical leave for up to twelve (12) workweeks during any twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for FMLA an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

FMLA leave shall be granted for the following reasons:

1. the birth and care of a newborn child of the employee;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent, or son or daughter with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. for a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty).

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of unpaid, job protected leave in a single 12-month period to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect, or the district may require, an employee to use accrued paid vacation, personal or family leave for purposes of an FMLA leave. An employee may elect, or the district may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the district of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The district may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

## **Policy 9520.2**

The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: 29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619.

29 CFR §§ 825.110, 825.309, 825.600, 825.603, 825.800.

Adoption date: May 15, 2014



# POLICY



# No. 9645

## Disclosure of Wrongful Conduct (Whistleblower Policy)

**WESTBURY UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION**

### DISCLOSURE OF WRONGFUL CONDUCT (WHISTLEBLOWER POLICY)

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.
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#### Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney or the Independent Auditor. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred shall report their concerns to the Building Principal, the Superintendent, or the State Education Department. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the Independent Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct.

Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 30 days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref: Civil Service Law §75-b  
Labor Law §740  
8 NYCRR §§102.3, 102.4  
Garrity v. University at Albany, 301 A.D. 2d 1015 (3<sup>rd</sup> Dept. 2003) (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)  
Matter of Brey v. Bd. of Educ., 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997) (termination based on work deficiency, not retaliation)

Adoption date: May 16, 2013