

## December 2024 Policy - First Reading Packet

Policy Number	Policy Title	Explanation	Adopted BOCES Update	Revised by SH	Keep Current Policy	Deleted	Date of Vote	Not voted upon
5240	School Tax Assessment and Collection	Suggest deleting this policy as it reflects outdated and incomplete information. Furthermore, to make certain property tax exemptions available, a district must hold a public hearing and adopt a board resolution granting the exemption. It is not sufficient to place the tax exemption in a district's policy manual. <b>Policy Committee recommends deleting this policy.</b>						
5241	Property Tax Exemptions	Suggest deleting this policy as it reflects outdated and incomplete information. Furthermore, to make certain property tax exemptions available, a district must hold a public hearing and adopt a board resolution granting the exemption. It is not sufficient to place the tax exemption in a district's policy manual. <b>Policy Committee recommends deleting this policy.</b>						
5574	Medicaid Compliance Program	<b>Required policy if the district has received or should reasonably expect to receive at least \$1,000,000 in any consecutive 12-month period, directly, or indirectly, from the Medicaid program.</b> Revised in response to the Office of Medicaid Inspector General (OMIG) adding new subpart 18 NYCRR Part 521 to require providers to establish and maintain more detailed compliance programs. If the District does not receive or expect to receive a million dollars in a twelve-month period from the Medicaid program this policy can be deleted. <b>Policy Committee recommends deleting this policy.</b>						
6190	Workplace Violence Prevention Policy Statement	<b>Required policy. Customization required.</b> In December 2023, Policy Services released new sample policy 6190, Workplace Violence Prevention Policy Statement, in response to amendments to Labor Law Section 27-b. Subsequent to the release of this new sample policy, the New York State Department of Labor (NYSDOL) released updated resources on workplace violence prevention. In response, Policy Services has revised sample policy 6190 to incorporate the latest terminology and recommendations located in the policy statement located on page twelve of the NYSDOL's Workplace Violence Program General Template. The District also needs to select a new Workplace Violence Prevention Coordinator as it is our understanding that Jo Ann Balazs has left the District. <b>Policy Committee recommends this policy with an update to the named WVP Coordinator.</b>						
6550	Leaves of Absence	Revised to reflect changes to Labor Law Section 206-c that were part of the budget bill. Effective June 19, 2024, employers must provide nursing mothers with 30-minute paid breaks to express breast milk during the workday. <b>Policy Committee recommends this policy as is.</b>						
7618	Use of Time Out Rooms	Suggest deleting policy 7618, Use of Time Out Rooms. Requirements related to timeout rooms have been moved to revised policy 7350, Timeout and Physical Restraint, and updated to reflect recent amendments to regulation making policy 7618, Use of Time Out Rooms, unnecessary and outdated. <b>Policy Committee recommends deleting this policy.</b>						

Sweet Home Central School District  
 Policy Committee Meeting  
 December 3, 2024

Minutes

Present: Don Feldmann, Toyia Wilson, Finune Shaibi, Scott Johnson, Brian Laible, Sherry McNamara

1. Reviewed the following policies for December first reading:

5240	School Tax Assessment and Collection	Suggest deleting this policy as it reflects outdated and incomplete information. Furthermore, to make certain property tax exemptions available, a district must hold a public hearing and adopt a board resolution granting the exemption. It is not sufficient to place the tax exemption in a district's policy manual. <b>Policy Committee recommends deleting this policy.</b>
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6190	Workplace Violence Prevention Policy Statement	<b>Required policy. Customization required.</b> In December 2023, Policy Services released new sample policy 6190, Workplace Violence Prevention Policy Statement, in response to amendments to Labor Law Section 27-b. Subsequent to the release of this new sample policy, the New York State Department of Labor (NYSDOL) released updated resources on workplace violence prevention. In response, Policy Services has revised sample policy 6190 to incorporate the latest terminology and recommendations located in the policy statement located on page twelve of the NYSDOL's Workplace Violence Program General Template. The District also needs to select a new Workplace Violence Prevention Coordinator as it is our understanding that Jo Ann Balazs has left the District. <b>Policy Committee recommends adopting with a change to the WVP Coordinator information.</b>
6550	Leaves of Absence	Revised to reflect changes to Labor Law Section 206-c that were part of the budget bill. Effective June 19, 2024, employers must provide nursing mothers with 30-minute paid breaks to express breast milk during the workday. <b>Policy Committee recommends adopting as is.</b>
7618	Use of Time Out Rooms	Suggest deleting policy 7618, Use of Time Out Rooms. Requirements related to timeout rooms have been moved to revised policy 7350, Timeout and Physical Restraint, and updated to reflect recent amendments to regulation making policy 7618, Use of Time Out Rooms, unnecessary and outdated. <b>Policy Committee recommends deleting this policy.</b>

2006

5240

Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION**

A tax collection plan giving dates of warrant and other pertinent data shall be prepared annually and submitted for review and consideration by the School Business Official to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

Education Law Section 2130  
Real Property Tax Law Sections 1300-1342

Adopted: 5/9/06

**SUBJECT: PROPERTY TAX EXEMPTIONS****Senior Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation to the extent of per centum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

The real property tax exemption of real property owned by husband and wife, when one of them is 65 years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least 62 years of age.

The District may permit a property tax exemption to an otherwise eligible senior citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

**Disabled Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons with disabilities; or owned by a husband, wife or both, or siblings, at least one of whom has a disability; and whose income, as defined pursuant to law, is limited by reason of such disability shall be exempt from taxation to the extent of per centum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an in-patient of a residential health care facility as defined in Public Health Law.

The District may permit a property tax exemption to an otherwise eligible disabled citizen even if a child who attends a public school resides at that address, provided that any such resolution shall condition such exemption upon satisfactory proof that the child was not brought into the residence in whole or in substantial part for the purpose of attending a particular school within the District. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

For purposes of this policy, and in accordance with law, a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; and who

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**SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)**

is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act or is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act, or has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

In accordance with Real Property Tax Law, any exemption provided by this policy shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided however, that no parcel or real property may receive an exemption for the same tax purpose pursuant to both this policy and real property tax exemptions granted pursuant to the Real Property Tax Law for persons 65 years of age or over.

**Alternative Veterans' Exemption**

The Board held a public hearing and passed a resolution, in accordance with the Real Property Tax Law, that provides a property tax exemption to eligible veterans. The District will grant this exemption in a manner consistent with the Real Property Tax Law and at levels set forth by the Board. Should the District wish to reduce or increase the ceilings on eligible veterans' exemptions, it must hold a separate hearing and pass a separate resolution.

Education Law § 2130

Public Health Law § 2801

Real Property Tax Law §§ 458-a, 459-c, 466-c, 466-f, 466-g, 466-I, 467, and 1300-1342

Adopted: 5/9/06

Revised: 10/17/17; 1/15/19

**SUBJECT: MEDICAID COMPLIANCE PROGRAM**

The School District shall comply with New York State and federal laws and regulations related to the School District's participation as a provider of care, services or supplies under the Medicaid program.

The School District as a provider receiving or submitting Medicaid claims of at least \$500,000 in any consecutive twelve-month period, has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste and abuse.

As required by the New York State Office of the Medicaid Inspector General (hereinafter referred to as the OMIG), the School District's Medicaid Compliance Program is comprised of the following core elements:

- a) Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all School District personnel, including Board members. Such compliance expectations or standards of conduct shall include provisions designed to: implement the operation of the Medicaid Compliance Programs; provide guidance to employees and others on dealing with potential compliance issues; identify how to communicate compliance issues to appropriate personnel; and describe how issues are investigated and resolved;
- b) A designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. This employee's job duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the employee's duties are satisfactorily fulfilled. The designated employee shall report directly to the School District Superintendent or the Superintendent's designee and shall also periodically report directly to the Board of Education on the School District's Medicaid Compliance Program activities;
- c) Training and education of all affected School District employees and other persons associated with the School District's Medicaid Compliance Program, including, but not limited to, members of the District's Board of Education. Such training shall occur periodically and shall be made a part of any required training or orientation for new employees, Board members, volunteers and/or others on dealing with the School District's Medicaid Compliance Program;
- d) Communication lines and processes directed to the School District's designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. Such communication lines and processes shall be accessible to all School District employees, Board members, volunteers and others associated with the School District's Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of school or preschool supportive health services, that an employee believes is inappropriate;

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**SUBJECT: MEDICAID COMPLIANCE PROGRAM (Cont'd.)**

- e) Disciplinary procedures that encourage good faith and fair dealing in the School District's Medicaid Compliance Program by all affected individuals. Such disciplinary procedures shall include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;
- f) A system for the routine identification of Medicaid compliance risk areas in the School District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;
- g) A system for responding to, investigating, correcting and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments; and
- h) A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the School District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

Social Services Law Section 363-d  
18 NYCRR Part 521

NOTE: Refer also to Policies #5570 -- Financial Accountability  
#5571 -- Allegations of Fraud  
#5572 -- Audit Committee  
#5573 -- Internal Audit Function  
#6110 -- Code of Ethics for Board Members and All District  
Personnel  
District Medicaid Compliance Program

Adopted: 11/15/11  
Revised: 5/13/14; 4/19/16

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT****Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against any employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for: helping to create an environment of mutual respect for each other, as well as students, parents, and other visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This policy was developed in consultation with the authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
  1. Develop and implement a program;

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**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

2. Address situations which could result in serious physical harm.
  - f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
  - g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

**What is Workplace Violence**

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict serious physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that causes injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) An individual who has a personal relationship with an employee.

**Prohibited Conduct**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

**Workplace Violence Prevention Advisory Committee**

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's Workplace Violence Prevention Program (WVPP).

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

**Workplace Violence Prevention Coordinator**

The District has designated the following District employee to serve as its Workplace Violence Prevention Coordinator:

JoAnn Balazs, Assistant Superintendent for Talent and Equity, [jbalazs@sweethomeschools.org](mailto:jbalazs@sweethomeschools.org)  
1901 Sweet Home Rd., Amherst, NY 14228, 716-250-1408 (phone), 716-250-1428

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**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

**Authorized Employee Representatives**

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical environment.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- e) Reviewing the effectiveness of the mitigating actions taken.
- f) Reporting violations of the District's WVPP.

**Reporting Workplace Violence**

The District has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.

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**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.

After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice. The District will immediately respond to all reported incidents of violence or threatening behavior upon notification.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Inspections by the Commissioner of Labor**At the Request of an Employee or Authorized Employee Representative

If the District has been given notice and opportunity to resolve the activity, policy, or practice and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current Public Employee Safety and Health (PESH) administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

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**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
  1. Making high-risk areas more visible to more people;
  2. Installing good external lighting;
  3. Using drop safes or other methods to minimize cash on hand;
  4. Posting signs stating that limited cash is on hand;
  5. Providing training in conflict resolution and nonviolent self-defense responses; and
  6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.

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**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

**Training**

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program.

**Notification**

This policy will be posted where notices to employees are typically posted. The District will make its WVPP available to employees, authorizes employee representatives, and the Commissioner of Labor upon request and in the work area.

Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.

Labor Law Section 27-b  
12 NYCRR Section 800.6

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3415 -- Prohibition of Weapons on School Grounds  
#3416 -- Threats of Violence in School  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Sex Discrimination and Sexual Harassment Prohibited by Title IX of the Education Amendments of 1972  
#5681 -- School Safety Plans  
#5684 -- Use of Surveillance Cameras in the District on School Buses  
#5690 -- Exposure Control Program  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7350 -- Timeout and Physical Restraint  
#7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 2/13/24

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT****Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious ~~occupational safety hazard~~ threat to the safety of employees, students, parents, and visitors. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against ~~any~~ District employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, ~~including involving law enforcement authorities when warranted~~. All employees are responsible for: ~~helping to create~~ing an environment of mutual respect for each other, as well as students, parents, and ~~other~~ visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This ~~workplace violence prevention~~ policy was developed in consultation with ~~the~~all authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law and highlights some of the elements that are found within the District's Workplace Violence Prevention Program (WVPP).

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" ~~means a serious violation of the public employer workplace violence prevention program is~~ the failure to:
  1. Develop and implement a ~~workplace violence prevention~~ program;

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

2. Address situations which could result in serious physical harm.

- f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
- g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

**What is Workplace Violence**

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict serious physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that causes injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed **against a District employee** by **anyone, including, but not limited to:**

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;

(Continued)



**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or
- g) An individual who has a personal relationship with an employee.

**Prohibited Conduct**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

**Workplace Violence Prevention Advisory Committee**

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's ~~Workplace Violence Prevention Program (WVPP)~~.

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

**Workplace Violence Prevention Coordinator**

The District has designated the following District employee to serve as its Workplace Violence Prevention Coordinator:

*\*[The District should list the following: name, title, department, telephone number, and email address.]*

*\*Customize to District*

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

~~JoAnn Balazs, Assistant Superintendent for Talent and Equity, [jbilazs@sweethomeschools.org](mailto:jbilazs@sweethomeschools.org)  
1901 Sweet Home Rd., Amherst, NY 14228, 716-250-1408 (phone), 716-250-1428~~

Donald Feldmann, Assistant Superintendent for Finance & Plant Services, [dfeldmann@sweethomeschools.org](mailto:dfeldmann@sweethomeschools.org), 1901 Sweet Home Rd., Amherst, NY 14228, 716-250-1408 (phone), 716-250-1367 (fax).

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

The District must provide for employee participation in the WVPP through an authorized employee representative. Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. ~~Other responsibilities of the a~~ Authorized employee representatives ~~have a right to, at a minimum, be involved~~ include, but are not limited to in-:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical workplace environment to determine workplace violence risk factors.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least annually once a year to identify trends in the types of incidents reported, if any.
- e) ~~Reviewing~~ Evaluating the effectiveness of ~~the mitigating actions taken~~ safeguards and actions taken to reduce the risk of workplace violence.
- f) Reporting violations of the District's WVPP.

**Reporting Workplace Violence**

The District has established and implemented a reporting system for incidents of workplace violence. ~~If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.~~

~~All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents,~~

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

~~threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.~~

Any employee or authorized employee representative who becomes aware of a physical assault, threatening behavior, or verbal abuse in the workplace must immediately provide written notice of the facts and circumstances of the violent incident to a supervisor or the Workplace Violence Prevention Coordinator. If the report was provided to a supervisor, the supervisor must immediately forward to the report the Workplace Violence Prevention Coordinator.

~~Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.~~

If an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety, or the safety of others, or where a serious injury has occurred, the employee should immediately call 911 to obtain law enforcement and/or medical assistance. The employee should also immediately notify their immediate supervisor.

If an employee believes that either they or another employee are in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor or the Workplace Prevention Coordinator would not result in corrective action, then the employee may report the violation directly to the Public Employee Safety and Health Bureau (PESH).

~~After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.~~ The District will immediately respond to all ~~reported~~ incidents of violence or threatening behavior upon notification. After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.

If there is a developing pattern of workplace violence incidents which may involve criminal conduct or serious injury, the District will attempt to develop a protocol with the District Attorney or law enforcement to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who choose to file a criminal complaint after a workplace violence incident.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Inspections by the Commissioner of Labor**At the Request of an Employee or Authorized Employee Representative

If, after being ~~the District has been~~ given notice and a reasonable opportunity to resolve the activity, policy, or practice, ~~the matter has not been resolved~~ and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current ~~Public Employee Safety and Health (PESH)~~ administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

**Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace **risk** evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee ~~and participate in~~ the development ~~and maintenance~~ of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace **risk** evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
  1. Making high-risk areas more visible to more people;
  2. Installing good external lighting;
  3. Using drop safes or other methods to minimize cash on hand;
  4. Posting signs stating that limited cash is on hand;
  5. Providing training in conflict resolution and nonviolent self-defense responses; and
  6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace **risk** evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.
- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Training**

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program. Additionally, retraining is required for all employees any time there is a significant change to the WVPP, a newly identified risk factor, or a control measure addition.

**Notification**

This policy will be posted where notices to employees are typically posted. ~~The District will make its WVPP available to employees, authorize employee representatives, and the Commissioner of Labor upon request and in the work area.~~ A copy of the District's WVPP may be obtained by contacting the District's Workplace Violence Prevention Coordinator. The District will also make the WVPP available for reference to employees, authorized employee representatives, and the Commissioner of Labor in the work area.

~~Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.~~

Labor Law Section 27-b  
12 NYCRR Section 800.6

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3415 -- Prohibition of Weapons on School Grounds  
#3416 -- Threats of Violence in School  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Sex Discrimination and Sexual Harassment Prohibited by Title IX of the Education Amendments of 1972  
#5681 -- School Safety Plans  
#5684 -- Use of Surveillance Cameras in the District on School Buses  
#5690 -- Exposure Control Program  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7350 -- Timeout and Physical Restraint  
#7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 2/13/24  
Revised:

**SUBJECT: LEAVES OF ABSENCE**

In general, leaves of absence will 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. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

**Leaves of Absence, Contractual, Et Al.**

- a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

- b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the 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.

- c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

**Leaves of Absence, Unpaid, Not Covered Above**

- a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

- b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

(Continued)



**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- d) 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.

**Other Leaves of Absence**

Other leaves of absence include, but are not limited to, the following:

- a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

- b) Screenings for Cancer

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

- c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or
2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

## d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

## e) Nursing Mothers (Breastfeeding/Lactation)

The District will provide reasonable unpaid break time or permit the use of paid break time or meal time to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the District will allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;
2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising their rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and regulation.

i) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to their term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

29 USC Section 218d

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333

Civil Service Law Sections 71-73 and 159-b

Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b

Election Law Section 3-110

Executive Law Section 296(22)

General Municipal Law Sections 92, 92-c, and 92-d

Judiciary Law Sections 519 and 521

Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c

Military Law Sections 242 and 243

Penal Law Section 215.14

Adopted: 5/9/06

Revised: 1/17/12; 5/10/16; 4/16/19; 2/9/21; 1/16/24

**SUBJECT: LEAVES OF ABSENCE**

In general, leaves of absence will 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. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

**Leaves of Absence, Contractual, Et Al.**

- a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

- b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the 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.

- c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

**Leaves of Absence, Unpaid, Not Covered Above**

- a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

- b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- d) 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.

**Other Leaves of Absence**

Other leaves of absence include, but are not limited to, the following:

- a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

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Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

- c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or
2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

## d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

e) ~~Nursing Mothers (Breastfeeding/Lactation)~~

The District will provide ~~reasonable unpaid break time~~ ~~or~~ ~~for thirty minutes~~, and permit the use of ~~existing~~ paid break time or meal time ~~for time in excess of thirty minutes~~, to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the District will allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

(Continued)



## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

1. Inform employees of their rights pursuant to law;
2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising their rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

## h) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and regulation.

## i) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to their term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

## j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

29 USC Section 218d

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333

Civil Service Law Sections 71-73 and 159-b

Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b

Election Law Section 3-110

Executive Law Section 296(22)

General Municipal Law Sections 92, 92-c, and 92-d

Judiciary Law Sections 519 and 521

Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c

Military Law Sections 242 and 243

Penal Law Section 215.14

Adopted: 5/9/06

Revised: 1/17/12; 5/10/16; 4/16/19; 2/9/21; 1/16/24;

**SUBJECT: USE OF TIME OUT ROOMS**

"Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. The New York State Education Department (NYSED) does not regulate the use of time outs, but does regulate the use of a separate room where a student may be removed for a time out.

Except as provided below, the District will not employ the use of time out rooms as a means of regulating student behavior.

A time out room is defined as an area for a student to safely deescalate, regain control, and prepare to meet expectations to return to their education program. If a time out room is used, it must be used in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors. The student is removed to a supervised area in order to facilitate self-control. Time outs may also be used in unanticipated situations that pose an immediate concern for the physical safety of a student or others. Unanticipated or emergency use requires proper documentation, in accordance with Commissioner's regulations.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's regulations, including the physical and monitoring requirements, parental rights, and individualized education program (IEP) requirements for students with disabilities.

**At a minimum, the use of time out rooms will be governed by the following rules and standards:**

- a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room will be unlocked and the door will be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff will continuously monitor the student in a time out room. The staff will be able to see and hear the student at all times.

Under no circumstances will a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

- b) Factors which may precipitate the use of the time out room

A student demonstrates the inability to independently regulate their behaviors to the extent that they are hurting themselves or others, or are damaging school property.

(Continued)

**SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)**

A student is exhibiting significant behavioral concerns that are interfering with the learning of other students for an extended period of time.

A student is unable to independently regulate their behaviors, as stated above, despite a preventative behavior intervention plan (BIP) in conjunction with a Functional Behavior Assessment (FBA).

c) Time limitations for the use of the time out room:

Further, a student's IEP will specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence.

School administration or other personnel will be notified in the event a student is placed in a time out room for excessive amounts of time, and this information will be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room will be left to the staff knowledgeable about the individual student.

Unless stated otherwise in a student's IEP, there are no specific time limitations placed on the use of a time out room. A student monitored and supported at a time out room will re-enter the classroom when they have deescalated and all contributing factors to their entrance are no longer observed.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability. School administration or other personnel shall be notified in the event a student is placed in a time out room for greater than ten minutes; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms will include, but not be limited to, the following measures:

1. The Director of Special Education will be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

(Continued)

**SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)**

2. The District will offer training to staff working with students who may utilize a time out room, including training for crisis and personnel interventions.

e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools will establish and implement procedures to document the use of time out rooms. This data would be subject to review by NYSED upon request.

Data collection should include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;
2. A detailed account of the antecedent conditions or specific behavior that led to the use of the time out room;
3. The amount of time that the student was in the time out room; and
4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f) Information to be provided to parents or persons in parental relation (parents)

The District will inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student and will give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the District's policy on the use of time out rooms.

Parents will be notified if their child was placed in a time out room. Additionally, whenever a time out room is used as an emergency intervention, parents will be notified of the emergency intervention. Notifications will be provided on the same day. When the student's parent cannot be contacted after reasonable attempts are made, the building principal will record and report the attempts to the CSE.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

**Physical Space Used as a Time Out Room**

The physical space used as a time out room will meet the following standards:

- a) The room will provide a means for continuous visual and auditory monitoring of the student;

(Continued)

**SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)**

- b) The room will be of adequate width, length, and height to allow the student to move about and recline comfortably;
- c) Wall and floor coverings should be designed to prevent injury to the student, and there will be adequate lighting and ventilation;
- d) The temperature of the room will be within the normal comfort range and consistent with the rest of the building; and
- e) The room will be clean and free of objects and fixtures that could be potentially dangerous to a student and will meet all local fire and safety codes.

Education Law §4402  
8 NYCRR §§ 19.5 and 200.22

Adopted: 1/18/11  
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