

POLICY COMMITTEE
Liverpool Central School District Board of Education

February 6, 2020 7am
District Office
Liverpool, New York 13090

Present: Dr. Mark Potter, Stacey Balduf, Craig Dailey, Joseph Morawski

The following policies were discussed.

Proposed Policy Revisions:

NON-INSTRUCTIONAL/BUSINESS OPERATIONS

#5741 Drug and Alcohol Testing for School Bus Drivers – Revised – This required sample policy was revised to include information concerning the Drug and Alcohol Clearinghouse (“Clearinghouse”) which became effective January 6, 2020. To cover the new requirements regarding the Drug and Alcohol Clearinghouse, a new section was added to page four of the sample policy. This new section lists what personal information must be collected, maintained, and reported to the Clearinghouse in accordance with applicable federal law. Other minor revisions were made to the sample policy for clarity and consistency purposes.

PERSONNEL

#6562 Employment of Retired Persons – Notification – This sample policy was previously revised by Policy Services so that it could absorb future changes to the earning limitation for a retired person in a position or positions of public service in any calendar year. Rather than indicating a dollar amount in the sample policy, Policy Services replaced the dollar amount (“\$30,000”) with “the Section 212 limit.” Effective December 6, 2019, the earning limitation for a retired person in a position or positions of public service was increased from \$30,000 to \$35,000. Based upon this change, Policy Services is sharing sample policy 6562, Employment of Retired Persons. For clarity, the instances where the previous dollar amount, \$30,000, was replaced with “the Section 212 limit”.

Policy 6121 - Sexual Harassment in the Workplace (we revised in December by removing the "severe and pervasive" wording but now Erie 1 has provided an extensive revision)

Required sample policy Sexual Harassment in the Workplace was revised to reflect amendments and changes to law which:

- Lowered the standard for proving harassment from “severe and pervasive” to whether the conduct “subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories”; and
- Extended the statute of limitations for an individual to file a sexual harassment claim with the New York State Division of Human Rights from one year to three years.

Previously, claims of harassment made under New York State Human Rights Law (NYSHRL) needed to be “severe or pervasive” to be actionable. However, following recent amendments to

Executive Law Section 296, harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Additionally, harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Following amendments to Executive Law Section 297, a complainant may file a NYSHRL claim for sexual harassment with the Division of Human Rights within three years (extended from one year) of the alleged unlawful discriminatory practice. This is effective August 12, 2020.

In response to these changes in law, [the Model Policy was updated](#) to include language reflecting the new standard governing claims of harassment made under NYSHRL, and the extension of the statute of limitations for filing a claim for sexual harassment with the Division of Human Rights.

Labor Law Section 201-g was amended to require employers to provide to their “employees, in writing in English and in the language identified by each employee as the primary language of such employee, at [1] the time of hiring and at [2] every annual sexual harassment prevention training provided pursuant to subdivision two of this section, a notice containing the employer's sexual harassment prevention policy and the information presented at the employer’s sexual harassment prevention training program.”

STUDENTS

#7530 Child Abuse and Maltreatment – Revised – This required sample policy was revised in response to amendments to Section 100.2 of the Commissioner’s regulations which were necessary to implement the statutory changes made to Education Law Article 23-B which, among other things, expanded who in a district has the responsibility to report allegations of child abuse in an educational setting and what components must be included in the training on reporting allegations of child abuse in an educational setting. Additionally, on August 13, 2019, the Governor signed a bill related to child abuse in an educational setting, which clarified that Education Law Article 23-B includes individuals employed by a school and individuals employed by a person or entity that contracts with a school to provide transportation services. Revisions were made to the sample policy for clarity and consistency with the revised law and Commissioner’s regulations.

Next meeting: