

# EAST HAMPTON UNION FREE SCHOOL DISTRICT

## REGULAR MEETING OF THE BOARD OF EDUCATION Board Conference Room at 6:30 p.m.

Tuesday, October 16, 2018

### AGENDA

1. Executive Session (5:30 p.m. to 6:30 p.m.). It is anticipated that the Board will make a motion to go into Executive Session and this session will likely run from 5:30 p.m. to 6:30 p.m.
2. Call Meeting to Order
3. Pledge
4. Moment of Silence – Board Member Richard Wilson
5. Presentation: External Audit Report – EFPR Group, LLP
6. Presentations in Honor of School Board Recognition Week (10/22-10/26)
  - JMMES, EHMS, EHHS Art Department
7. News of the Schools
8. Public Comments (Agenda Items Only)

*The EHUFSD Board of Education welcomes public comment. To maintain an orderly and efficient meeting, the Board has established the following guidelines for those wishing to address the Board:*

  1. *Each speaker is permitted three minutes for their comments.*
  2. *The Board will listen to comments and input but will not necessarily debate or discuss items; operational matters will be directed to school administration for handling.*
  3. *The Board is not permitted to address personnel or individual student matters in open session.*
9. Consent Agenda
10. Superintendent's Report and Recommendations
11. Old Business
  1. Facilities Committee Update
12. New Business
  1. CTE Update
13. Public Comments
14. Adjournment

## **Consent Agenda:**

1. Recommended: That the Board accept the Minutes of October 16, 2018 as written and place on file.
2. Recommended: That the Board accept the July 2018 Treasurer's Report as written and place on file.
3. Recommended: That the Board approve an amended unpaid medical leave of absence for Melissa Mahoney, Paraprofessional, that became effective August 30, 2018, and is extended through October 19, 2018.
4. Recommended: That the Board approve a medical leave for Florbela Correia, Senior Office Assistant, effective November 2, 2018 through December 14, 2018 using twenty-seven days of Ms. Correia's accrued sick days.
5. Recommended: That the Board accept the letter of resignation from Brittney Daily, ENL teacher, effective October 19, 2018.
6. Recommended: That the Board accept the letter of resignation from Amanda Van Nostrand, JV Basketball Coach, effective October 1, 2018.

## **Superintendent's Report and Recommendations:**

1. Recommended: That the Board approve the following appointments to teach an additional section of instruction effective September 5, 2018 for the 2018-2019 school year with compensation as follows:

Karen Crowley, French teacher - \$28,027.20  
Cara Nelson, Social Studies teacher - \$16,776.80  
Raymond Patelli, Science teacher - \$6,526.30 (lab only)

2. Recommended: That the Board approve the following appointments for the 2018-2019 school year:

HS CTE Coordinator – effective October 17, 2018  
Catherine Tyrie at a stipend of \$1,500.00, pro-rated

### Interscholastic Coaches

Samone Johnson, Winter Varsity Cheerleading, Level II, 12+ years, \$9,853.00  
Michael Buquicchio, Winter B/G Track Varsity Assistant Coach, Level III, 3 years,  
\$6,572.00  
Annemarie Brown, Varsity Softball Coach, Level II, 4 years, \$8,622.00  
Erin Mulrain, JV Assist. Lacrosse Coach, Level IV, 2 years, \$5,007.00

### Substitutes

James Smith, Jr. @ uncertified substitute daily rate of \$125.00  
Miguel Adrover @ uncertified substitute daily rate of \$125.00  
Doreen Quaranto @ uncertified substitute daily rate of \$125.00  
Lisa Brown @ uncertified substitute daily rate of \$125.00  
Joseph Freyre @ uncertified substitute daily rate of \$125.00

Substitute Custodian

Winston Lyons @ \$17.94 per hour

JMMES Lunch Monitor

Laura Brady at \$17.94 per hour

HS Outside Morning Supervision

(At each individual's hourly rate of pay, alternating days Monday through Friday)

Mindy Molter, Leah Fitzgerald and Heather Finn

Title III and Title III Immigrant Grant Positions

MS Acculturation Program

Tamara Palmer – Bilingual TA @ hourly rate of \$60.00

SIFE Curriculum Development Program

Kylie Tekulsky and Christine Reis @ hourly rate of \$74.05

HS Afterschool Cultural Awareness Program

Teresita Winter and Julia Petersen @ hourly rate of \$74.05

HS Afterschool Academy and Regents Prep Program

Christine Reis @ hourly rate of \$74.05

DW Translators

Florabela Correia, Maria Bouboulis and Alyson Rogoski @ hourly rate of \$30.00

Title III Summer 2019 Positions

NYSITELL Screening

Alexandra McCourt and Mirna Tubatan @ hourly rate of \$74.05

Jumpstart One Day Program

Christine Reis @ hourly rate of \$74.05

Cultural Enrichment Mini Institute

Eva Iacono @ hourly rate of \$74.05

3. Recommended: That the Board accept the letter of resignation for the purpose of retirement from John Lewis, School Bus Driver, effective October 31, 2018.
4. Recommended: That the Board approve the Quote from Frontline Education, dated October 9, 2018 (Quote# 02130054) in the amount of \$12,147.00 (pro-rated) for Frontline recruiting and hiring and unlimited usage for internal employees, and \$4,050.00 for Frontline implementation start-up costs for the 2018-2019 school year.
5. Recommended: That the Board accept the first reading of the following amended District Policy: Sexual Harassment of District Personnel (Policy #6121).
6. Recommended: That the Board of Education approve the following 2018-2019 Bid:

<u>Bid Number</u>	<u>Type of Service</u>	<u>Awarded to:</u>
Bid Number 18-19-8	Yearbook Services	Balfour

7. Acknowledgement: That the Board acknowledge receipt of the External Audit Reports for the School Year ending on June, 30 2018.
8. Recommend: That the Board approve the Tax Levy for the East Hampton Union Free School District for the 2018-2019 school year in the amount of \$51,935,501.93 (this amount includes the East Hampton Library Tax Levy for the school year 2018-2019).
9. Recommended: That the Board approve the disposal of the following damaged and obsolete equipment: (1) Pallet Jack (tag #111441).
10. Recommended: That the Board approve the following Budget Transfer:

<u>From</u>	<u>To</u>	<u>Amount</u>
A2132.1200-11	A2132.1000-11	\$145,000
(Gen. Elem. Instruc. Sal/K-3)	(Gen. Elem. Instruc. Sal/Pre-K)	

# East Hampton Union Free School District

TREASURER'S REPORT

REDACTED

REPORT PERIOD: July 31, 2018

## GENERAL FUND A and TAX 2001 Trust Fund Agency

MONEY MARKET B.N.B.      FBA of Sposset LLC      NYC Reserve NYCCLASS      General Fund NYCCLASS      General Fund B.N.B.      Trust & Agency B.N.B.      General Fund NYCCLASS      Special Ad Fund      Federal Funds      Reserve      OPER. Category

<b>BEGINNING ACCOUNT BALANCES:</b>	1,841,089.08	34,252.94	389,982.74	9,625,679.51	318,818.71	53,738.03	20,604.63	2,276,893.44	90,205.20
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**DEPOSITS/RECEIPTS:**

Town Taxes	(Sched #1)	-	-	-	-	-	-	-	-
State & Federal Revenue	(Sched #2)	54,693.46	-	602.22	14,045.01	15.53	-	3,516.07	-
Interest Revenue	(Sched #3)	238.28	-	-	-	1,344,442.69	210.30	-	294.50
Other Receipts	(Sched #4)	1,826,052.05	1,262.50	-	-	-	-	0.53	-
<b>TOTAL RECEIPTS</b>		1,881,003.79	1,262.50	602.22	14,045.01	1,344,458.22	210.30	3,516.07	294.50

**TRANSFERS IN:**

From Money Market	-	-	-	-	1,000,000.00	-	509,619.25	-	-
From General Fund Gross PR	-	-	-	-	-	628,000.00	-	-	-
From Scholarship Fund	-	-	-	-	-	-	-	-	-
From General/TRA	-	-	-	-	-	-	-	-	-
Transferred from Capital	-	-	-	-	-	-	-	-	-
Trans. Other funds	-	-	-	-	-	-	-	-	-
<b>TOTAL TRANSFERS IN</b>		3,722,092.87	35,515.44	390,584.56	9,639,724.52	1,628,000.00	509,619.25	20,605.16	90,459.70

**TRANSFERS OUT:**

To NYCCLASS Reserves	1,000,000.00	-	-	628,000.00	-	-	-	-	-
To General Fund/ MM	-	-	-	16,793.00	-	-	-	-	-
To Capital Fund	-	-	-	-	-	-	-	-	-
To Trust & Agency, Lunch	-	-	-	-	-	-	-	-	-
Library tax funds write	-	-	-	-	-	-	-	-	-
To Special Aid fund	-	-	-	-	-	-	-	-	-
Private Trust fund	-	-	-	-	-	-	-	-	-
To Debt Service	-	-	-	-	-	-	-	-	-
<b>TOTAL TRANSFERS OUT</b>		1,000,000.00	-	644,793.00	-	-	-	-	-

**JOURNAL ENTRIES:**

TOTAL DISBURSEMENTS & TRANSFERS OUT	1,000,000.00	9,788.56	-	644,793.00	3,254,476.84	(225.00)	509,619.25	2,557.42	36,089.28
returned check	-	-	-	-	-	-	-	-	-

**ENDING BALANCES:**

RECONCILIATION TO BANK:	2,722,092.87	25,726.88	390,584.56	8,994,931.52	36,575.09	53,821.02	210.30	53,821.02	18,047.74	2,280,399.51	54,370.42
BANK BALANCE	2,722,092.87	27,793.39	390,584.56	8,994,931.52	1,056,582.75	53,821.02	7,281.03	53,821.02	19,740.47	2,280,399.51	90,405.78
LESS:		2,066.51	-	1,020,052.66	-	-	7,080.73	-	1,692.73	-	36,035.36
OUTSTANDING CHECKS		2,722,092.87	25,726.88	8,994,931.52	36,530.09	53,821.02	210.30	53,821.02	18,047.74	2,280,399.51	54,370.42
MISCELLANEOUS ITEMS		2,722,092.87	25,726.88	8,994,931.52	43.00	53,821.02	210.30	53,821.02	18,047.74	2,280,399.51	54,370.42
PLUS:											
DEPOSITS IN TRANSIT											
MISCELLANEOUS ITEMS											
<b>TRIAL BALANCE ACCOUNTS</b>	2,722,092.87	25,726.88	390,584.56	8,994,931.52	36,575.09	53,821.02	210.30	53,821.02	18,047.74	2,280,399.51	54,370.42
<b>PROOF</b>		(0.00)			(0.00)		(0.00)				

I certify that the above balances are in agreement with the bank statements, as reconciled.

*D. ...*

# East Hampton Union Free School District

TREASURER'S REPORT  
REPORT PERIOD: July 31, 2018

EXPENDITURE TRUST FUND Combined Grants	BMB		OPER. CAP. FND		Cap. Inv		NYCLASS		PAYROLL		NYCLASS		NYCLASS	
	BMB	Combined	B.M.B.	B.M.B.	B.M.B.	B.M.B.	Lunch	B.M.B.	General	Capital	Debt			
27,646.60	33,086.35	39,266.29	7,665.94	-	-	-	-	-	1,210,618.38	2,871,951.06	100,580.82			

DEPOSITS/RECEIPTS:	(Sched #5) Interest Revenue Other Receipts Interest on CD	(Sched #6) (Sched #7)	TOTAL RECEIPTS	1.45	0.98	0.34	5.89	-	1,889.50	4,419.97	155.34

TRANSFERS IN:	From Money Market/NYCL From Capital Money Market From CD From T&M/General From General From Capital	TOTAL TRANSFERS IN	43,997.47	60,000.00	99,267.27	7,665.94	16,793.00	16,793.00	16,798.89	330,036.43	1,212,488.48	2,876,371.03	100,736.16

TRANSFERS OUT:	To Certificate of Deposit To Capital Operating To Capital Money Market To Payroll To Operating T&A To Op. School Lunch To General NYCLASS To General/operating	TOTAL TRANSFERS OUT	14,062.67	91,190.99	-	-	-	-	-	330,036.43	60,000.00	60,000.00	-

JOURNAL ENTRIES:	TOTAL DISBURSEMENTS & TRANSFERS OUT	0	91,190.99	-	-	-	-	-	-	330,036.43	60,000.00	60,000.00	-

RECONCILIATION TO BANK:	BANK BALANCE	30,434.80	500.00	29,934.80	SUBTOTAL	29,934.80	TRIAL BALANCE ACCOUNTS	PROOF

I certify that the above balances are in agreement with the bank statements, as reconciled.

*Debra Hef*

2018-2019 Monthly Cash Flow

Estimated

Actual  
(000's omitted)

	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total
Receipts:												
Property Taxes	-	-	-	-	4,902	27,200	2,640	900	650	6,000	7,343	49,635
STAR Payment + PILOT	-	-	-	-	22	243	150	621	45	39	150	565
State Aid	55	173	286	133	212	290	132	621	45	39	242	2,604
Other Receipts	3,166	769	199	1,306	262	2,109	1,032	974	2,179	1,712	891	17,156
TAN Proceeds	-	-	-	-	-	-	-	-	-	-	-	-
Total Receipts	3,221	942	485	14,001,459	474	29,842	3,954	2,495	2,874	7,751	8,626	14,000,000
Balance/ Receipts	15,007	12,698	10,451	14,006,368	14,001,164	13,997,602	14,022,436	14,018,282	14,016,000	14,012,355	14,015,418	14,019,939
Disbursements:												
Salaries Benefits	2,718	1,663	4,047	4,339	3,919	3,862	3,020	3,936	3,972	3,100	8,383	48,457
Operating Expn.	535	777	862	720	527	1,048	841	1,112	636	1,005	490	12,331
TRS/ERS paid out	-	30	-	569	1,067	1,195	-	109	80	-	-	2,831
Trans to other Funds	-	-	-	50	5,896	(1,097)	1,300	-	-	-	-	7,061
Trans TAN Pay Ad	-	-	-	-	-	-	-	-	-	-	-	-
TAN Interest	-	-	-	-	-	-	-	-	-	-	-	-
Total Disbursement	3,253	2,730	5,542	5,678	11,399	5,008	8,108	4,777	6,519	4,688	4,105	14,009,051
Balance end of	11,754	9,968	4,909	14,000,690	13,989,765	13,992,594	14,014,328	14,013,505	14,009,481	14,007,667	14,011,313	10,888
June 6, 30, 18	11,754	9,968	4,909	14,000,690	13,989,765	13,992,594	14,014,328	14,013,505	14,009,481	14,007,667	14,011,313	10,888

NYCLASS, incl

NYCLASS, incl

NYCLASS, incl

NYCLASS, incl

NYCLASS, incl

# East Hampton Union Free School District

## TREASURER'S REPORT SUPPLEMENTAL SCHEDULE

REPORT PERIOD: July 31, 2018

### FUND "A"

SCHEDULE #1 TOWN TAX RECEIPTS	
Real Property Taxes & Tax Items	
Non-Property Taxes	
Town of East Hampton wire	-
Town of East Hampton #wire	-
Town of East Hampton wire	-
Town of East Hampton-PILOT	-
Town of East Hampton interest	-
Town of East Hampton wire	-
NYCLASS	-
General	-
Money Market	-
<b>TOTAL SCHEDULE #1</b>	<b>\$ -</b>

SCHEDULE #2 STATE & FEDERAL REVENUES	
State Aid	
Federal Aid	
Erate	
STATE AID OSC direct deposit	52,840.44
STATE AID OSC direct deposit	1,853.02
STATE AID OSC direct deposit	-
STATE AID OSC direct deposit	-
STATE AID OSC direct deposit	-
STATE AID OSC direct deposit	-
STATE AID OSC direct deposit	-
<b>TOTAL SCHEDULE #2</b>	<b>\$ 54,693.46</b>

SCHEDULE #3 INTEREST AND OBLIGATIONS	
Use of Money & Property	
Proceeds of Obligations	
Int earned on NY005	602.22
INT. EARNED ON GFMM	258.28
Int earned on NY003	82.99
Int earned on NY 0004	1869.5
INT. EARNED ON new res.A2023	14,045.01
Int earned on NY014	3,516.07
Interest on General Fund NOW	15.53
<b>TOTAL SCHEDULE #3</b>	<b>\$ 19,787.38</b>

SCHEDULE #4 MISCELLANEOUS RECEIPTS	
Charges for Services	
Other Districts & Governments (NYS)	
Districts in Other States	
Forfeitures	
Sale of Property & Compensation for Loss	
Miscellaneous	
FOIL FEES	-
TUITION PAYMENTS / Bid Deposits	1,826,052.05
MISCELLANEOUS, AP	10,666.72
MEDICAL, HOSP. & DENTAL	47,883.79
TRS, Ins from PR	-
Pilot	-
transfer Drivers ed funds for payroll,SAT	-
Payroll Exchange	3,365.57
Refunds MM/ Medicare/Ins/BOCES	-
TA TRS/ERS refunds, scholarship donations	210.30
Dental Receipts/Retirees,Cobra Fitzharris Bills	-
Tuition dep. General Fund, BOCES ref.	1,282,527.61
Exchange Debt Service Fund-LIPA rebate	-
Insurance Refunds	-
TAN NYCLASS	-
General	1,344,442.69
MM	1,826,052.05
<b>TOTAL SCHEDULE #4</b>	<b>\$ 3,170,705.04</b>

SCHEDULE #5 DISBURSEMENTS	
Payroll	
Accounts Payable	
Debt Service - Principal	
Debt Service - Interest	
Transfers to Other Funds	
WARRANTS #1	3,254,476.84
WARRANT#1 TR Agency - wire for debt service	509,619.25
STOP PAYMENT FEE CHARGED	-
Transfer to TE200 for drivers ed payroll	-
Medicare Checks WN# 19	-
return bids + bond paydown	-
Dental disbursements Ameritas ACH/Fitzharris	-
Sales Tax Paid Out TA online	-
<b>TOTAL SCHEDULE #5</b>	<b>\$ 3,764,096.09</b>



EAST HAMPTON UNION FREE SCHOOL DISTRICT  
 COLLATERAL TEST  
 REPORT PERIOD: July 31, 2018

Prepared by  
 Debra Herzer

SUFFOLK COUNTY NATIONAL BANK  
 Catechis (Internal) Fund

CL#	Fund	Book Balance 7/31/2018	Interest Bearing	Bank Balance Non-Interest Bearing	Total	Interest	Last FDIC Coverage Non-Int.	Total	Amount Not Covered By FDIC	Collateral Required	Eligible Collateral Provided by Bank	Over (Under)
C200	C	\$4,370.42	-	90,405.78	90,405.78	-	90,405.78	90,405.78	-	-	-	-
		\$4,370.42	-	90,405.78	90,405.78	-	90,405.78	90,405.78	-	-	-	-

BRIDGEHAMPTON NATIONAL BANK

EX200	EX	-	1,056,582.75	-	1,056,582.75	-	-	-	1,056,582.75	1,109,411.89	56,512.07	-
A200	A	36,573.09	2,722,092.87	-	2,758,665.96	-	-	-	2,472,092.87	2,595,697.51	2,394,419.49	-
A201	A	2,722,092.87	19,740.47	-	2,741,833.34	-	-	-	2,472,092.87	2,595,697.51	2,394,419.49	-
FA200	FA	18,047.74	7,665.94	-	25,713.68	250,000.00	-	250,000.00	19,740.47	20,727.49	2,957,189.58	-
FB200	FB	-	69,036.28	-	69,036.28	-	-	-	7,291.03	7,655.58	9,444,678.10	-
FD200	FD	7,665.94	30,434.80	-	38,100.74	-	-	-	30,434.80	31,956.54	1,273,112.90	-
FE200	FE	29,924.80	33,086.80	-	62,991.60	-	-	-	33,086.80	34,741.14	1,273,112.90	-
TF200	TF	210.30	390,584.96	-	390,795.26	-	-	-	390,584.96	410,114.21	1,273,112.90	-
TE200	TE	30,434.80	726.55	-	31,161.35	-	-	-	726.55	762.88	1,273,112.90	-
TE203	TE	33,086.80	4,329,224.87	-	4,362,311.67	250,000.00	-	250,000.00	4,087,212.45	4,291,604.57	4,448,191.26	156,586.71
TA12	TA	390,584.96	-	-	390,584.96	-	-	-	-	-	-	-
TA10	TA	3,216,274.78	-	8,017.38	3,224,292.16	-	-	250,000.00	4,087,212.45	4,291,604.57	4,448,191.26	156,586.71
TA210	TA	-	-	16,798.89	16,798.89	-	-	16,798.89	-	-	-	-
TA214	TA	16,798.89	-	27,793.39	44,592.28	-	-	44,592.28	-	-	-	-
TA202	TA	16,798.89	-	27,793.39	44,592.28	-	-	44,592.28	-	-	-	-
TA202	TA	25,726.88	-	27,793.39	53,520.27	-	-	53,520.27	-	-	-	-

COMMUNITY BANK OF SWISS

TA202	TA	16,798.89	-	27,793.39	44,592.28	-	-	44,592.28	-	-	-	-
TA202	TA	25,726.88	-	27,793.39	53,520.27	-	-	53,520.27	-	-	-	-

NYCLASS

A2025	A	53,821.02	53,821.02	0.00	107,642.04	-	-	107,642.04	53,821.02	56,512.07	56,512.07	-
A211	V	2,280,399.51	2,280,399.51	0.00	4,560,799.02	-	-	4,560,799.02	2,280,399.51	2,394,419.49	2,394,419.49	-
H214	H	2,816,371.03	2,816,371.03	0.00	5,632,742.06	-	-	5,632,742.06	2,816,371.03	2,957,189.58	2,957,189.58	-
A2023	A	8,994,931.52	8,994,931.52	0.00	17,989,863.04	-	-	17,989,863.04	8,994,931.52	9,444,678.10	9,444,678.10	-
A2024	V	1,212,488.48	1,212,488.48	-	2,424,976.96	-	-	2,424,976.96	1,212,488.48	1,273,112.90	1,273,112.90	-
V201	V	100,726.16	100,726.16	-	201,452.32	-	-	201,452.32	100,726.16	103,772.97	103,772.97	-
V201	V	15,458,747.72	15,458,747.72	-	30,917,495.44	-	-	30,917,495.44	15,458,747.72	16,231,685.11	16,231,685.11	-

District Total		\$ 18,801,918.69	\$ 19,787,972.59	\$ 143,015.64	\$ 19,030,988.33	\$ 250,000.00	\$ 107,204.67	\$ 357,204.67	\$ 19,245,990.17	\$ 20,523,289.68	\$ 20,679,876.39	\$ 156,586.71
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# East Hampton Union Free School District

## TREASURER'S REPORT SUPPLEMENTAL SCHEDULE

REPORT PERIOD: July 31, 2018

	FUND "C"	FUND "FA"	FUND "H"	FUND "TA"	FUND "TE"	FUND "V"
<b>SCHEDULE #5 STATE &amp; FEDERAL REVENUES</b>						
<b>TOTAL SCHEDULE #5</b>						
<b>SCHEDULE #6 INTEREST AND OBLIGATIONS</b>			0.98		1.45	
	5.89		4,419.97			155.34
		0.53	0.34			
<b>TOTAL SCHEDULE #6</b>	5.89	0.53	4,421.29	0.00	2.32	155.34
<b>SCHEDULE #7 MISCELLANEOUS RECEIPTS</b>						
Interfund Revenue						
Interfund Transfers						
CAFETERIA CASH SALES/ACH/HRT	254.50					
DONATIONS Mini Grants						
Bounced Checks, fees refunded						
Flex Receipts				1,262.50		
Exc. Sales Tax from Store/ Misc Rev						
Drivers Ed/ AP funds/ENL Programs					16,350.00	
Bond Premium amortization						
<b>TOTAL SCHEDULE #7</b>	\$ 254.50				\$ 16,350.00	
<b>SCHEDULE #8 DISBURSEMENTS</b>						
Warrant #1 Lunch Fund	36,089.28					
WARRANT# 1 Special Aid		2,557.42				
WARRANT# 1 Expendable Trust(Grant)					14,082.87	
WARRANT# 1 CAPITAL FUND			91,190.99			
Transfer to checking/Paid Scholarships						
SCHOLARSHIPS Camanae, misc						
Employee Flex paid outs				9,788.56		
Bond/Interest Payments						
Returned checks/ fees						
Scholarships- Cangiolioli						
Sales Tax						
<b>TOTAL SCHEDULE #8</b>	\$ 36,089.28	\$ 2,557.42	\$ 91,190.99	\$ 9,788.56	\$ 14,082.87	\$ -

**Subject: Sexual Harassment of District Personnel**

E.H.U.F.S.D. is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. E.H.U.F.S.D. has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of E.H.U.F.S.D. commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with E.H.U.F.S.D. , or with a government agency or in court under federal, state or local anti discrimination laws.

**Policy:**

1. E.H.U.F.S.D. Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with E.H.U.F.S.D.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. E.H.U.F.S.D. has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of E.H.U.F.S.D. who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or Superintendent of Schools. Any employee, paid or unpaid intern or non-employee<sup>1</sup> who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects E.H.U.F.S.D. to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual

## Personnel

2 of 8

harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.

5. E.H.U.F.S.D. will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. E.H.U.F.S.D. will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to Superintendent of Schools .

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

**What Is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or

sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform

the job;

4 of 8

- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

### **What is "Retaliation"?**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. E.H.U.F.S.D. cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid

## Personnel

intern or nonemployee who has been subjected to behavior that may constitute sexual

5 of 8

harassment is encouraged to report such behavior to a supervisor, manager or Superintendent of Schools . Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Superintendent of Schools .

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Superintendent of Schools.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint And Investigation Of Sexual Harassment**

**All** complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected

## Personnel

sexual harassment. Employees who participate in any investigation will not be retaliated against.

6 of 8

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, Superintendent of Schools will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and .
  - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by E.H.U.F.S.D. but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at E.H.U.F.S.D. , employees may also choose to pursue



## Personnel

legal remedies with the following governmental entities at any time.

7 of 8

**New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15,290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file a DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to E.H.U.F.S.D. does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [appropriate other contact info), [www.dhr.ny.gov](http://www.dhr.ny.gov)

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

**United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no

## Personnel

cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and

8 of 8

determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An

individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml)

### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

1A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

*Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*