

**WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT**

**I.**

**Board Policies Covering All Employees**

**Board Policy No. 4004:      RECRUITMENT AND SELECTION**

- A.    The District shall follow fair and competent personnel practices in the recruitment and selection of employees. The Superintendent shall be responsible for establishing appropriate recruitment and selection procedures. The Superintendent makes recommendations to the Board with regard to the employment of employees. The Board does not employ any individual, other than the Superintendent, without a positive recommendation from the Superintendent.
  
- B.    Recruitment and selection procedures should incorporate appropriate screening devices, interviews, observations, recommendations and written applications. All such procedures shall comply with applicable law.
  
- C.    The District, pursuant to Education Code section 44830.1 (certificated employees) and Education Code section 45122.1 (classified employees), shall not employ any individual in any position who has been convicted of a violent or serious felony as defined by Penal Code sections 667.5(c) and 1192.7(c), unless specifically authorized by law. The District also shall not retain in employment any non-permanent employee who has been convicted of either a violent or serious felony. The Board requires the Superintendent or designee to ensure compliance with applicable law and this Board Policy.
  
- D.    The District, pursuant to Education Code section 44836 and 44837 (certificated employees) and Education Code section 45123 and 45124 (classified employees), shall not employ any individual who has been convicted of a sex offense as defined in Education Code section 44010 or a controlled substance offense under Education Code section 44011, unless specifically authorized by law; or who has been determined to be a sexual psychopath, unless specifically authorized by law. The Board requires the Superintendent or designee to ensure compliance with applicable law and this Board Policy.
  
- E.    The Superintendent or designee shall ensure that no current certificated temporary, substitute, or probationary employee serving before March 15 of the employee's second complete probationary year, who has been convicted of a violent or serious felony, sex offense listed in Education Code section 44010 or controlled substance offense listed in Education Code section 44011, is retained.
  
- F.    The District shall not employ any classified employee, or any other employee who is required to have fingerprint clearance, until the legally required fingerprint clearance process is completed. The Board requires the Superintendent or designee to ensure compliance with applicable law and this Board Policy. All applicants for classified employee positions including, but not limited to, part-time positions, substitutes and short-term positions, shall be required to submit fingerprint identification cards for a criminal records investigation. The District shall not employ any applicant until the Department of Justice completes its investigation.

The Superintendent or designee shall provide the means whereby the fingerprint cards may be completed and may charge a fee determined by the Department of Justice to be sufficient to reimburse the Department for the costs incurred in processing the application. The amount of the fee shall be forwarded to the Department of Justice with the required copies of the applicant's fingerprint cards. The District may also collect a reasonable fee payable to the local public law enforcement agency taking the fingerprints and completing the data on the fingerprint cards. In no event shall the fee exceed the actual costs incurred by the agency. These additional fees shall be transmitted to the city or county treasury. If an applicant is subsequently hired by the District within 30 days of the application, the fee may be reimbursed to the applicant. Funds not reimbursed to applicants shall be credited to the general fund of the District. If the fingerprint cards forwarded to the Department of Justice are those of a person already employed by the District, the District shall pay the fee required by this section, which fee shall be a proper charge against the general fund of the District, and no fee shall be charged the employee.

Volunteers: In order to ensure the safety of pupils, the Superintendent or designee shall cause volunteers working directly with pupils to be fingerprinted as if they were employee applicants pursuant to Board Policy 1005. Parents of pupils attending or participating in the educational activities of their children may be excused from this requirement.

Contractors: The District will comply with all requirements in Education Code section 45125.1 with regard to the prior fingerprinting of employees of a contracting entity doing business with the District and where such employees of a contractor may have contact with pupils of the District.

Criminal Record Files: The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal records who shall be responsible for the administration of the information. Any questions regarding criminal offender record information shall be resolved by the record custodian. The record custodian shall comply with all laws applicable to such records.

The District shall continue to exercise reasonable care in the recruitment, selection and supervision of all employees.

- G. Applicants for employment may be required to submit a blood or urine sample for analysis to a laboratory or clinic of the District's choice. The procedure for obtaining and processing all samples will protect the privacy rights of applicants for employment. All samples may be analyzed for the presence of drugs or alcohol. Applicants who submit samples that test positive for the presence of any illegal drug may be discontinued from consideration for employment. Any applicant's sample that tests positive for the presence of any other drug or alcohol at levels which the District determines would impair the applicant's ability to satisfactorily and safely perform as an employee may be discontinued from consideration for employment.

Any applicant for employment who tests positive for any illegal drug, other drug or alcohol will be given a reasonable opportunity to explain the positive test result. The applicant may be required to submit another sample if the individual wishes to remain an applicant.

- H. Testing reports will be treated similarly to other confidential personnel documents which have restricted access. All testing of blood or urine samples and the implementation of this Board Policy shall be consistent with applicable federal and state law.
  
- I. If the District Superintendent determines to utilize a committee to interview and screen applicants for regular teaching positions an/or instructional assistant positions, teachers will be invited to participate on such interview committees. If the Superintendent requests that a member or members of the bargaining unit to serve on an interview committee for administrative positions, one member will be the Association President or designee.

Legal Reference:

Education Code sections 35160, 35160.1, 44332.6, 44830.1, 45122.1, 45123, 45124, 45125, 45125.1, 45125.2, 42125.5

Date Policy Revised By The Board: February 10, 1998

Date Policy Revised By The Board: October 9, 2003 (formerly B.P. 4005)