

Edits

DRAFT UPDATE

Mid-Valley Special Education Cooperative

5:30

General Personnel

Hiring Process and Criteria

The Cooperative hires the most qualified personnel consistent with budget and staffing requirements and in compliance with the Advisory Board policy on equal employment opportunity and minority recruitment. The Executive Director or designee is responsible for recruiting personnel and making hiring recommendations to the Board. If the Executive Director's recommendation is rejected, the Executive Director must submit another. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code.

All applicants must complete a Cooperative or Kane County application in order to be considered for employment.

Job Descriptions

The Executive Director shall develop and maintain a current comprehensive job description for each position or job category with input from bargaining units as indicated in their contracts.

Investigations

The Executive Director or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law. The Executive Director or designee shall notify an applicant if the applicant is identified in either database. The School Code requires the Board Chairperson to keep a conviction record confidential and share it only with the Executive Director, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Department of State Police and/or Statewide Sex Offender Database.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The Cooperative retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/ 21B-80 of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

The Executive Director shall ensure that the Cooperative does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The Cooperative uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The Cooperative does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
3. The Cooperative does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites.
4. The Cooperative provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Comment [AP1]: The Facebook Password Law includes an exception for a *professional account*, however, the exception is so limited that it appears to be unavailable to school employers. See the update memo for a full discussion of this topic.

Issue 84, February 2014

DRAFT UPDATE

Physical Examinations

~~New employees~~ Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. ~~All~~ The physical fitness examinations and tests for tuberculosis examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination and ~~tuberculin test~~ performed no more than 90 days before submitting evidence of it to the Board Cooperative.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The Advisory Board will pay the expenses of any such examination.

Orientation Program/Training

Please refer to the following current Agreements:

Professional Agreement between Mid-Valley Special Education Cooperative Executive Advisory Board and Mid-Valley Special Education Association-IEA/NEA.

Professional Agreement between Mid-Valley Special Education Cooperative Executive Advisory Board and the Therapy Association for Special Children, IEA/NEA.

For those employees not covered by these Agreements:

The Cooperative's staff will provide an orientation program for new employees to acquaint them with the Cooperative's policies and procedures, the school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the Acknowledgement of Mandated Reporter Status form as provided in policy 5:90, Abused and Neglected Child Reporting.

Staff members who work in preschool settings must furnish evidence of a tuberculin test.

Comment [AP2]: This policy is updated to implement P.A. 98-716. A new or existing employee may be subject to additional health examinations, including tuberculosis screening, as required by rules adopted by the Ill. Dept. of Public Health or by order of a local public health official. As of August 2014, the Ill. Dept of Public Health does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings.

Issue 86, August 2014

Comment [AP3]: Requirement added as a reminder.

Issue 84, February 2014

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LEGAL REF.: 105 ILCS 5/10-21.9 and 5/24-5.
Employee Credit Privacy Act, 820 ILCS 70/
Right to Privacy in the Workplace Act, 820 ILCS 55/
Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-
22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.
820 ILCS 55/ and 70/
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd*
in part and remanded 505 N.E.2d 314 (Ill., 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 3:50 (Administrative Personnel Other Than the Executive Director), 4:175
(Convicted Child Sex Offender; Criminal Background Check and/or Screen;
Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment),
5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and
Neglected Child Reporting), 5:125 (Personal Technology and Social Media;
Usage and Conduct), 5:220 (Substitutes), 5:280 (Educational Support Personnel -
Duties and Qualifications)

ADOPTED: January 9, 2013