

# Browning Public Schools

## Policy # 5011

Policy Name: *Eligibility for Employment*

Regulation: -----

### Purpose

The Board of Trustees of School District No. 9 recognizes that its human resources are the most vital part of achieving its goals and objectives. The selection process for hiring qualified applicants must therefore be rigorous to ensure that those selected are the best qualified and are of good character. Measures are to be implemented to ensure that applicants for positions who will work with children are free of any criminal or other unfavorable background.

In order to be considered for employment with the District, applicants must satisfy the following requirements.

### Education and Experience

The minimum level of education to be employed by the District is the attainment of a high school diploma or equivalent general education degree (GED/Hi-Set). Depending upon the position, the Superintendent or his or her designee may allow applicants to sub (if they are 18 years old) in the areas of custodian, teacher assistant, Special Education TA, personal care assistant, childcare, assistant cook, security and warehouse for the remainder of the 2021-2022 school year. It is recommended that substitutes enroll in a GED program to be considered for the position providing such applicants submit documentation verifying enrollment as part of the application and a written plan to complete such requirements. If selected for employment, such GED candidates must, in order to maintain eligibility, obtain the required GED and submit evidence of completion to the superintendent thirty (30) days prior to the expiration of the employee's probationary period.

Temporary workers for activities may be eligible to work without a high school diploma, or HiSET, with successful background and drug test. Preference will be given to those that have a high school diploma, or HiSET (those that don't must be able to pass a basic reading test).

### Student Eligibility for Employment

Students, sixteen (16) years of age or older who are enrolled in Browning Public Schools, may be hired for short term positions ~~outside of the school day~~ **unless they are students with a ½ day schedule on track to graduate.** Students must meet the academic eligibility and enrollment requirements in Browning Public Schools in addition to the rules and regulations stated in the Montana High School (MHS) Handbook to be eligible for employment. Student academic eligible requirements are outlined in School Board Policy #3520 (Academic Eligibility). Student employees will be required to complete a pre-employment drug screening, a condition of employment only, prior to being recommended to the board of trustees for hire.

### Background Check

1. Ineligibility: Each of the following types of convictions are to be evaluated in determining a person's eligibility to work in the District:
  - a. A person will be ineligible if the background check indicates conviction for:

- i. a sexual offense, or has pending charges
    - ii. an outstanding warrant for arrest
  - b. A person may be ineligible if the background check indicates conviction for:
    - i. a felony,
    - ii. a history or pattern of multiple misdemeanors.
  - c. A person assigned fiduciary responsibilities will be ineligible if their background check indicates conviction for any monetary and/or property related offense.
  - d. Any person who may be required to operate a vehicle as part of his/her duties and responsibilities will be ineligible if the background check indicates (i) serious offenses related to the use of a vehicle or (ii) a pattern of minor traffic offenses over the preceding five (5) year period.
  - e. A person who was separated from employment under unfavorable conditions with the district will be ineligible for re-employment.
2. All employment eligibility decisions may be appealed to the superintendent and supplemental information can be provided to challenge the results of the information contained on the criminal background check. The superintendent will make final determination regarding eligibility.

### **Governmental Requirements**

Certain positions require federal or state registration or licensure as a pre-condition for working in the District:

- a. Drivers' License: If the position requires the employee to be licensed as a driver, an applicant will be ineligible for consideration if he or she fails to provide documentation of such license with the application. This requirement extends to the commercial driver license (CDL) if required for the position.
- b. Certification: Teachers, specialists, and principals must have or be qualified to obtain appropriate certification to work in the schools. An applicant who does not provide documentation validating certification (or eligibility therefore) with the application will be ineligible for consideration.
- c. Nursing License: Registered nurses must have or be qualified to obtain a professional nursing license to work in the schools. An applicant who does not provide documentation validating licensing (or eligibility therefore) with the application will be ineligible for consideration.
- d. Other Licenses: A licensing requirement for a position will require the applicant to provide proof of such license with the application. If the applicant holds a similar license from another jurisdiction and it is determined that the applicant need only apply to obtain the required license, the applicant may be considered providing documentation is submitted with the application. Included within this category are licenses for professional and skilled trades.

### **Child Labor**

The child labor provisions of the Fair Labor Standards Act (FLSA) are designed to protect the educational opportunities of youths and prohibit their employment in jobs and under conditions detrimental to their health and well-being. The superintendent or his/her designee will implement procedures to ensure compliance with FLSA, including:

1. Youths 18 or older may perform any job, hazardous or not, for unlimited hours.
2. Youths 16 and 17 years old may perform any non-hazardous job, for unlimited hours.
3. Youths 14 years old may work outside school hours in non-hazardous jobs up to (i) 3 hours on a school day, (ii) 18 hours in a school week, (iii) 8 hours on a non-school day, and (iv) 40 hours on a non-school week.
4. Hazardous non-farm jobs include driving a motor vehicle and operating power-driven machines and equipment such as tractors and power tools.
5. The district may require an age certificate from an applicant to verify that his or her age meets the minimum age for the job.

**Cross Reference:** Policy #5122 Fingerprint and Criminal Background Checks

**Legal Reference:** § 44-5-301, MCA Dissemination of Public Criminal Justice Information  
§ 44-5-302, MCA Dissemination of Criminal History Record Information That is  
Not Public Criminal Justice Information  
§ 44-5-303, MCA Dissemination of Confidential Criminal Justice Information  
29 CFR 570-580 Child Labor Regulations (Fair Labor Standards Act)  
Public Law 105-251 Volunteers for Children Act

**Policy History:**

Adopted on: 4/10/01

Amended on: 4/13/04, 7/27/04, 1/27/16, 2/26/20, 1/26/22, 2/8/22

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