

# ***DRAFT UPDATE***

## **General Personnel**

### **Hiring Process and Criteria**

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Board of Education policy on equal employment opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval.

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 District application in order to be considered for employment.

### **Job Descriptions**

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

### **Investigations**

The Superintendent 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 Superintendent or designee shall notify an applicant if the applicant is identified in either database. The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, 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 District 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 Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The District 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 District 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 District 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..

# DRAFT UPDATE

4. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

## 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/District.

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 Board will pay the expenses of any such examination.

## Orientation Program

**Please refer to the following current agreement:**

**Collective Bargaining Agreement Between The Board of Education Oak Park Elementary School District 97 and The Oak Park Educational Support Professionals Association**

**For employees not covered by this agreement:**

The District's staff will provide an orientation program for new employees to acquaint them with the District'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*.

**Comment [AP1]:** 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**

# DRAFT UPDATE

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 Superintendent), 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 (Substitute Teachers), 5:280 (Educational Support  
Personnel - Duties and Qualifications)

ADOPTED: May 27, 2014