
Chapter 7

Minimum Preemployment Requirements

Rules and Regulations of the Classified Service

7.1 HEALTH EXAMINATIONS

7.1.1 T.B. EXAMINATIONS: A new employee shall present evidence that he/she has submitted to an examination within the past sixty (60) days to determine that he/she is free of active tuberculosis. The examination shall be by a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an approved intradermal tuberculin test (Mantoux), or if the skin test is positive the employee shall submit to an x-ray of the lungs, or if the employee has previously tested positive, the employee shall submit to an x-ray of the lungs. The x-ray film may be taken by a competent and qualified x-ray technician if the x-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. If a new employee is transferring employment from one school or school district, including private and parochial schools, to this District, the sixty (60) days requirement above will be waived if the new employee can produce a certificate as provided for in Section 3450 of the California Health and Safety Code which shows that the employee was examined within the past four years and was found to be free of communicable tuberculosis. This requirement can also be met if it is verified by the school previously employing the new employee that it has such a certificate on file and a copy of such certificate is forwarded to the District. For new employees, evidence of compliance with the requirements of this section must be on file prior to the first day in paid status.

7.1.1.1 Subsequent to employment, and as a condition of continued employment with the District, employees are required to undergo the foregoing examination at least once each four (4) years or more often if directed by the Board of Education upon the recommendation of the local health officer.

7.1.1.2 The District may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by

an x-ray of the lungs.

7.1.1.3 Preemployment tuberculin test costs are paid for by the District. The District shall provide the skin test and/or x-ray exam at District cost for all continuing employees.

7.1.1.4 The District reserves the right to designate a particular clinic or hospital where the test will be administered.

REFERENCE:

1. Education Code Sections 45122, 45260, 45261, and 49406
2. Health and Safety Code Sections 3450 and 3451
3. Administrative Code, Title 5, Section 5505

7.1.2 MEDICAL EXAMINATIONS: Every individual appointed to a Maintenance and Operations, Warehouse/Delivery or Campus Security position in the Classified Service shall pass a job-related physical examination prior to initial appointment. Promotional eligibles who have been offered employment in one of these classifications that possesses different physical requirements may also be required to undergo a job-related medical examination as determined by the District. The examination will be administered after the initial conditional offer of employment prior to finalization of the appointment. The examination shall be administered by a physician chosen by the District. The determination of the kind and extent of the examination shall be determined by the District and may include a psychological examination. Costs associated with this examination shall be borne by the District. The medical examination shall be related to the duties as approved in the class specifications.

7.1.2.1 The District-chosen physician shall determine the ability of the applicant, candidate, or eligible to perform the prescribed duties of the class in which he/she shall be employed, and shall notify the District of the medical findings. Reasonable accommodations may be made for persons with a diagnosed disability.

7.1.2.2 If the District-chosen physician proposes to disqualify the individual, the doctor shall provide the District with a statement describing the specific condition, the limitations that have resulted in the individual's disqualification and the specific duties the applicant cannot perform.

7.1.2.3 In consultation with the District-chosen physician, the District shall make a determination if reasonable accommodation can be made for the individual. If the determination is that reasonable accommodation can be made, the appointment shall be made. If the

determination is that reasonable accommodation cannot be made, the individual will be so notified by the District and informed of appeal rights to the Personnel Commission.

REFERENCE: Education Code Sections 45122, 45260 and 45261

7.1.3 RETURN TO WORK AND UNSCHEDULED EXAMS: Any employee may be required to undergo a physical (including a psychological) examination at any time there is deemed to be reasonable cause by the District Administration.

7.1.3.1 Every employee returning from illness/injury leave of absence may be required to submit to a medical examination to verify sufficient recovery to return to the employee's regularly assigned duties.

REFERENCE: Education Code Sections 45122, 45160 and 45161

7.1.4 APPEAL TO THE COMMISSION: Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Personnel Commission.

7.1.4.1 A summary of actions related to medical concerns that may be appealed is as follows:

7.1.4.1.1 Disqualification of an eligible.

7.1.4.1.2 Refusal of reemployment, reinstatement, or return from leave of absence based upon District health standards.

7.1.4.1.3 Dismissal for health reasons.

7.1.4.1.4 Placement of an employee on involuntary illness leave.

7.1.4.2 The appeal process shall be conducted pursuant to Personnel Commission rules.

7.1.4.2.1 The Director of Classified Personnel shall notify the individual in writing of the reason for the action and of the opportunity for written appeal to the Personnel Commission within fourteen (14) days. The notice shall state that an appeal may be made on the grounds listed in Chapter 19 (Procedures for Disciplinary Action and Appeal), or on the basis that the disqualification was not in accord with the health standards set forth in the Rules of the Board of Education. If a current

employee is involved, a copy of the notice shall be provided to the appropriate administrator.

7.1.4.2.2 If appeal is made to the Commission, the appellant shall be notified that the matter will be investigated and that the appellant bears the burden of proof. The appellant shall be invited to submit, in support of the appeal and at the appellant's expense, written medical or laboratory reports, x-rays, photographs, other exhibits or written statements as appropriate.

7.1.4.2.3 The Personnel Commission shall determine whether the appeal will be the subject of a special investigation or a hearing by a medical examiner.

7.1.4.3 **MEDICAL EXAMINATION:** The District may employ outside medical experts to give a medical advisory opinion. A medical examiner is the representative of the Commission and is authorized to grant or refuse extensions of time, to set proceedings for examination of facts to appoint a medical expert or specialist to examine the appellant, and to perform any and all acts in connection with such proceedings that may be authorized by these Rules. A medical examiner's findings and recommendations shall be based on health standards established by the Board of Education.

Expenses for the services of the medical examiner shall be in the Personnel Commission's budget.

A medical examiner may appoint a medical expert or specialist to examine the appellant and report findings to the medical examiner or may require additional information from the appellant or the District.

Expense of a special physical examination initiated by the medical examiner shall be paid by the appellant; if the appeal is sustained, the employee shall be reimbursed by the Board of Education for the fees of the medical expert or specialist. The medical examiner shall report its findings and recommendations to the Personnel Commission. The Personnel Commission shall provide copies of the findings and recommendations to the appellant, and, if the appellant is an employee, to the appropriate division head.

7.1.4.3.1 The appellant shall consent to the release of all medical records requested for review.

7.1.4.4 **FINDINGS & RECOMMENDATIONS:** The medical

examiner's or special investigator's written findings, and recommendation shall be considered by the Commission. The decision of the Personnel Commission shall be rendered in writing. Copies of the decision shall be sent to the appellant, and, if the appellant is an employee, to the Superintendent.

7.1.4.5 DECISION OF THE PERSONNEL COMMISSION: The Commission, based on evidence submitted and the advice of medical experts, shall determine whether or not the denial of appointment or return from leave shall be sustained. The decision of the Commission shall be final and binding on all parties. The decision of the Personnel Commission shall include instructions to the administration regarding the action to be taken as a result of the appeal. If an eligible is given health approval for employment, his/her name shall be restored or added to the eligibility list and retained on the eligibility list for certification for the balance of the life of the list. The adding of names to eligibility lists shall not invalidate appointments made from such lists from the time the lists were established until the names were restored or added.

7.1.4.6 FAILURE OF APPELLANT TO APPEAR: Failure of the appellant to appear at times established for examination of persons or facts shall be deemed a withdrawal of the appeal, and the case shall be closed.

REFERENCE: Education Code Sections 45122, 45260 and 45261

7.2 CRIMINAL RECORDS

7.2.1 FINGERPRINTING: Every new employee shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place prior to the first date of employment. The cost of any fingerprinting shall be borne by the employee.

7.2.2 REVIEW OF CRIMINAL RECORDS: All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.

7.2.2.1 The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the persons' application form. If there is a criminal record, the Director of Classified Personnel

shall decide whether or not the person should be employed or retained in employment. If the record discloses no information beyond that supplied by the person on the application forms and he/she was accepted for appointment, the person shall be considered employable.

7.2.2.2 If an employee is dismissed because of information disclosed on the criminal records report, the employee shall be removed from all eligibility lists and the Personnel Commission shall be notified of the recommended action and the reasons therefore.

7.2.2.3 If it approves the recommendation, the Commission shall notify the eligible or employee of the action taken and the reasons therefore and shall provide the person with an opportunity to appeal the decision in writing within ten (10) working days of notification. If an appeal is filed, the Personnel Commission may hold a hearing at its discretion. The decision of the Commission shall be final and binding on all parties.

REFERENCE: Education Code Section 45125

7.3 PREEMPLOYMENT REQUIREMENTS

7.3.1 INCOME TAX WITHHOLDING FORM: A new employee shall submit the W-4 form for both State and Federal taxes to the Payroll Office at the time of employment.

7.3.2 PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) APPLICATION: A new employee shall submit a completed application form to the District at the time of employment. This rule shall apply only to those employees entitled to retirement benefits.

7.3.3 SOCIAL SECURITY NUMBER: A new employee shall provide a copy of his/her social security card to the District at time of employment.

REFERENCE:

1. Education Code Sections 7000 - 7006, 45260, and 45261
2. California State Constitution, Article XX

7.3.4 VERIFICATION OF RIGHT TO WORK STATUS: All individuals employed after November 1, 1986 are required to provide proof of their right to work in the United States and for the District. An individual's right to work is a minimum qualification for employment with the District.

7.3.4.1 No individual shall be allowed to be placed in paid status without having on file with the District sufficient documentation as

required by Federal law as to that individual's right to work for the District.

7.3.4.2 No proof will be required until after an initial offer of employment has been made by the District. Every individual will be required to provide verification as required in this rule.

7.3.4.3 An individual unable to provide verification of his/her right to work in this country and for the District pursuant to this rule, shall have his/her name removed from the eligibility list(s), and shall not be placed on the payroll of the District.

7.3.5 REQUIREMENT TO NOTIFY DISTRICT OF ANY STATUS CHANGE: Employees shall notify the District whenever their status changes, such as new address, new telephone number, marital status for health and welfare benefits, increase or decrease in the number of dependents for health and welfare benefits and tax purposes, name of person(s) to notify in case of emergency, etc.

7.3.6 FILING OF REQUIRED LICENSES OR CERTIFICATES: Some classifications may require the employee to possess certain licenses and/or certificates. Every new employee must file copies of all licenses and/or certificates required as a condition of employment with the District. As these licenses and/or certificates are renewed, copies of them must also be filed in the District within ten (10) working days of receipt by the employee.

7.3.7 REQUIRED TRAINING OR INSERVICING OF EMPLOYEES: Any classified employee who is required by the District to attend training/in-service sessions or otherwise engage in training of any kind in order to continue employment shall receive his/her regular rate of pay or overtime rate of pay if required by these Rules and be reimbursed for registration fees and supplies authorized and purchased for the training.

REFERENCE: Education Code Sections 45260 and 45261 □