

CHAPTER 80

EMPLOYMENT REQUIREMENTS

80.1 PHYSICAL EXAMINATIONS

80.1.1 T.B. EXAMINATIONS: All new employees shall present evidence of a negative chest x-ray or intradermal tuberculin test taken within the past sixty (60) days. If a new employee is transferring his 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 he was examined within the past one year and was found to be free of communicable tuberculosis. For new employees, evidence of compliance with the requirements of this section must be on file at the Personnel Commission Office prior to the first day in paid status.

80.1.1.1 The law requires all classified employees to undergo a chest x-ray or intradermal tuberculin test at least once each four years or more often if ordered by the Board of Trustees at the recommendation of the local health officer.

80.1.1.2 The District shall provide the exam at its own cost for all existing employees. For all new employees, the costs shall be paid 50% by the District and 50% by the employee. Employee cost shall be paid by the prospective employee through payroll deductions.

80.1.1.3 The Personnel Commission reserves the right to designate a particular clinic or hospital where the test will be administered

REFERENCE:

1. Education Code Section 45122, 45160, 45161, and 49406
2. Health and Safety Code Section 121525
3. Administrative Code, Title 5, Section 5505

80.1.2 MEDICAL EXAMINATIONS: Every individual appointed to the classified service shall pass a job related physical examination and drug test prior to initial appointment. Promotional eligibles who have been offered employment in a classification possessing different physical requirements may also be required to undergo a medical examination as determined by the Personnel Commission. The examination and drug test will be administered after the initial offer of employment but prior to actual 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. Costs associated with this physical shall be paid by the prospective employee through payroll deductions.

80.1.2.1 The District's physician shall determine the ability of the applicant, candidate, or eligible to perform the prescribed duties of the class in which he is to be employed, and shall notify the Director of Classified Personnel Services of his findings. Reasonable accommodation may be made for persons with a diagnosed disability.

80.1.2.2 If the District's physician proposes to disqualify the individual, he shall provide the Director of Classified Personnel Services with a statement describing the specific condition and the limitations that have resulted in the individual's disqualification.

80.1.3 RETURN TO WORK AND UNSCHEDULED EXAMS: Subject to review by the Director of Classified Personnel Services, an employee may be required to undergo a physical examination at any time there is deemed to be reasonable cause by the District Administration.

80.1.3.1 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 his regularly assigned duties.

REFERENCE: Education Code Sections 45122, 45160, and 45161

80.1.4 SCHOOL BUS DRIVER MEDICAL EXAMINATIONS: In addition to any other examination that may be required by these rules, school bus drivers must have a valid medical card as required by state law. The Classified Personnel Office shall arrange for the school bus drivers' examination for District employees. These costs will be paid by the District.

REFERENCE: Education Code Sections 45122 and 45160

80.1.5 DRUG AND ALCOHOL TESTING - Every employee of the District whose class specification requires that s/he perform safety-sensitive functions and operate a commercial motor vehicle as defined by the Omnibus Transportation Employee Testing Act of 1991 is covered by this rule. All testing policies and procedures adopted by the District (BP/AR 4212.42 and 4312.42) shall comply with the provisions of the Act.

- 80.1.5.1** Employees covered by this rule who are deemed to be "covered employees" as referenced in the Act shall include the classifications of Bus Driver, Mechanic I, Mechanic II, Mechanic III, School Bus Driver Instructor, Operations Supervisor, and Director, Transportation Services.
- 80.1.5.2** Breath Alcohol Testing Results: Any covered employee who produces a breath alcohol test with a result that indicates an alcohol concentration of greater than zero (.00) shall be deemed under the influence and immediately suspended without pay pending action on a recommendation by the Superintendent for dismissal. The procedures for disciplinary action contained in Chapter 190 shall apply.
- 80.1.5.3** Controlled Substance Testing Results: Any covered employee who produces a positive test result for a controlled substance test shall be deemed under the influence and immediately suspended without pay pending action on a recommendation by the Superintendent for dismissal. The procedures for disciplinary action contained in Chapter 190 shall apply.
- 80.1.5.4** Post Accident Testing: Any covered employee who is operating a District commercial motor vehicle and is involved in an accident as defined by the Act, s/he shall be subject to the regulations governing post accident testing as contained in the Act.
- 80.1.5.5** Refusal to Test: Any covered employee who refuses to submit to the required alcohol or controlled substance test or fails to provide an adequate breath or urine specimen without a valid medical explanation, or refuses to cooperate will be considered to have a positive test result. The employee will be immediately suspended without pay pending action on a recommendation by the Superintendent for dismissal. The procedures for disciplinary action contained in Chapter 190 shall apply.
- 80.1.5.6** Unable to Test: Any covered employee who is unable or alleges that s/he is unable to provide an adequate breath or urine specimen shall be sent immediately to a licensed physician. The failure to produce a specimen will be excused if the physician determines in writing that the employee is unable to provide an adequate specimen due to a medical condition. Should the physician be unable to certify in writing that a medical condition exists, which would prevent the employee from furnishing a specimen, then the failure will be treated as a positive test.

80.1.5.7 Self Identification and Amnesty Period: A covered employee may self identify a controlled substance and/or alcohol dependency/abuse problem at any time. Notification must be in person to the immediate supervisor prior to the announcing of testing scheduled for that day.

Once a covered employee has self-identified s/he will immediately be placed on leave and will be referred to a Substance Abuse Professional (SAP). The SAP will prescribe a course of treatment for the employee. All available leave, per Chapter 150 of these rules and regulations, may be used while complying with the course of treatment prescribed by the SAP.

Covered employees shall have sole financial responsibility for the cost of the services rendered by the SAP and prescribed course of treatment. The covered employee may return to work in a line of duty as determined by the SAP and will be subject to further testing at the District's discretion and expense for a period not to exceed one (1) year after returning to work.

Any covered employee who produces a follow-up positive alcohol or controlled substance test will be immediately suspended without pay pending action on a recommendation by the Superintendent for dismissal. The procedures for disciplinary action contained in Chapter 190 shall apply.

80.1.5.8 Possession of an alcoholic beverage on District property, drinking alcoholic beverages on District property, being intoxicated on property. For employees covered by the Omnibus Transportation Employee Testing Act of 1991 and BP/AR 4212.42/4312.42, a positive test result for alcohol concentration greater than .00 is deemed to be under the influence.

80.1.5.9 The use or possession of any controlled substance while on duty, other than that prescribed by a licenses physician. For employees covered by the Omnibus Transportation Employee Testing Act of 1991 and BP/AR 4212.42/4312.42, a positive test result for controlled substances is deemed to be under the influence.

80.2 CRIMINAL RECORDS

80.2.1 FINGERPRINTING: Every new employee shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The Classified Personnel Services office will notify each such employee where and when to report for fingerprinting. The cost of any fingerprinting shall be paid 100 percent by the District.

REFERENCE: Education Code Section 45125

80.2.2 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.

80.2.2.1 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 person's application form. If there is a criminal record which was undisclosed and not reviewed prior to employment, the Director of Classified Personnel Services may order the dismissal of the employee, in accordance with Chapter 190 of these rules, in accordance with Chapter 190 of these rules.

80.2.2.2 If an employee is to be dismissed because of information disclosed on the criminal records report, he shall be removed from all eligibility lists.

80.2.2.3 The Director of Classified Personnel Services 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) calendar days of notification. If an appeal is filed, the Personnel Commission shall conduct an appeal hearing. The decision of the Commission shall be final and binding on all parties.

REFERENCE Education Code Sections 45125, 45260, and 45261

80.3 OTHER EMPLOYMENT REQUIREMENTS

80.3.1 INCOME TAX WITHHOLDING FORM: New employees shall submit the W-4 form for both State and Federal taxes to the Classified Personnel Services office at the time of employment.

80.3.2 RETIREMENT APPLICATION: New employees shall submit a completed retirement application form for the Public Employees Retirement System (PERS) to the Classified Personnel Services office at the time of employment. This rule shall apply only to those employees entitled to retirement benefits.

80.3.3 SOCIAL SECURITY NUMBER: New employees shall submit their social security number to the Classified Personnel Services office at time of employment.

80.3.4 LOYALTY OATH: All new employees must sign a loyalty oath as required by Article XX, Section 3 of the California State Constitution and the Education Code. The loyalty oath shall be administered in the Classified Personnel Services office at time of initial employment. Refusal to sign the loyalty oath shall cause the initial employment offer to be withdrawn.

REFERENCE:

1. Education Code Sections 7000 - 7006, 45160, and 45161
2. California State Constitution, Article XX, Section 3

80.3.5 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 Victor Valley Union High School District. An individual's right to work is a minimum qualification for employment with the District. The Director of Classified Personnel Services shall insure that all employees hired after the above date are legally entitled under Federal law to work for the Victor Valley Union High School District.

80.3.5.1 No individual shall be allowed to be placed in paid status without having on file with the Classified Personnel Services office sufficient documentation as required by Federal law as to that individual's right to work for the District.

80.3.5.2 No proof will be required until after an initial offer of employment has been made by the Classified Personnel Services office. Every individual will be required to provide verification as required in this rule.

80.3.5.3 An individual unable to provide verification of his right to work in this country and for the District pursuant to this rule, shall have his name removed from the eligibility lists and shall not be placed on the payroll of the District.

80.3.6 REQUIREMENT TO NOTIFY DISTRICT OF ANY STATUS CHANGE:

Employees shall notify the Classified Personnel Services office whenever their status changes, such as new address, new telephone number, marital status, increase or decrease in the number of dependents, name of person to notify in case of emergency, etc.

80.3.7 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 Classified Personnel Services office. As these licenses and/or certificates are renewed, copies of them must also be filed in the Classified Personnel Services office within ten (10) working days of receipt by the employee.