

Personnel - Non-Certified

Appointments

The Superintendent is authorized to hire non-certified staff for positions authorized by the Board of Education and report such hires to the Board.

The Superintendent shall ensure that all personnel employed or recommended to the Board meet district requirements for the position and state requirements for fingerprinting and other criminal records checks.

(cf. Staff Planning/Creating of Positions/Recruitment, Screening and Selection)

(cf. 4225 Non-Discrimination)

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Supremacy of Negotiated Agreements/Contracts

All articles in negotiated agreements/contracts with teachers', administrators' and paraprofessionals shall have the effect of Board of Education policy. In cases of conflict between negotiated agreements/contracts and Board of Education policies and administrative regulations, agreements/contracts take precedence.

Legal Reference: Connecticut General Statutes

10-153a through 10-153j

Personnel - Non-Certified

Employment at Will

All employees of the district are employed at will unless employed for a position pursuant to an express written agreement to the contrary.

Personnel - Certified/Non-Certified

Health Examinations

1. Each applicant for employment shall as a condition of employment, have a physical examination where a physician clears them for work, prior to his/her assuming duties within the school system or in any case within 30 days of assumption of duties. The results of such examination shall be recorded by the examining physician on the form provided by the schools and filed in the individual's personal school file.
2. Each employee shall have a physical examination once every three years. The results of such examination shall be recorded by the examining physician on the form provided by the school and filed in the individual's personal school file. The Board of Education reserves the right to require additional physical and/or mental examinations at any time and, as deemed necessary by the Board of Education, Superintendent, or school medical advisor, in order to evaluate the employee's ability to perform his/her assigned duties.

**Marlborough School District
Health Examination Report**

Individual Name _____ Date of Examination _____
Address _____
School Position _____

To The Examining Physician:

The Marlborough Board of Education requires that all applicants for employment receive a pre-employment physical examination, and then one every three years thereafter.

The Board of Education states that the physical examination include the following:

Check:

- ☐ 1. Health History
☐ 2. General physical and health examination
☐ 3. Urinalysis
☐* 4. A chest x-ray (preferably a 14" x 17" celluloid film)
Note type of test and result _____

A serologic test for syphilis, and other blood tests should be included at the discretion of the examining physician. Any additional examination would be at your discretion. Thank you for your cooperation.

Joseph J. Reardon
Superintendent of Schools

☐ In my opinion the examinee is physically and mentally capable of performing the duties assigned to him/her within this school system.

☐ In my opinion the examinee is physically and mentally capable of performing the duties assigned to him/her but has the following disabilities or limitations: (Please indicate whether they are correctable or if a modification in the work program should be made.)

☐ On the basis of this examination, I feel the examinee is not presently capable of performing the work assigned to the above school position for the following reason(s).

☐ I certify that the examinee is free of communicable disease which might be transmitted to the school population.

Signed _____ M.D.
Address: _____

Personnel – Certified/Non-Certified

Drug and Alcohol Testing For School Bus Drivers

The Marlborough School district is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The district shall require the bus transportation contractor adhere to federal law and regulations requiring a school bus drivers drug and alcohol testing program.

The Superintendent or his/her designee shall ensure that the contractor establishes and enforces this program.

Legal Reference: United States Code, Title 49
 2717 Alcohol and controlled substances testing (Omnibus Transportation
 Employee Testing Act of 1991)
 Code of Federal Regulations, Title 49
 40 Procedures for Transportation Workplace Drug and Alcohol Testing
 Programs
 382 Controlled Substance and Alcohol Use and Testing
 395 Hours of Service Drivers
 Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540.
 International Brotherhood of Teamsters v. Department of Transportation
 932 F. 2d 1292 (1991)
 American Trucking Association, Inc. v. Federal Highway Administration,
 (1995) WL 136022 (4th circuit)
 Connecticut General Statutes
 PA 95-140 An Act Authorizing Drug Testing of Drivers of certain
 commercial motor vehicle.

Policy adopted:

August 24, 2000

MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut

Personnel — Certified/Non-Certified

Personnel Records

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one personnel file for each employee, and Principals shall not maintain employee files separate from the official employee file in the Central Office.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

Notwithstanding earlier provisions of this policy performance records and personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure — unless the employee consents in writing to the release of such records.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

Personnel — Certified/Non-Certified

Personnel Records (continued)

Legal Reference: Connecticut General Statutes

1-213 Agency administration. Disclosure of personnel, birth and tax records.

1-214 Objection to disclosure of personnel or medical files.

1-215 Record of arrest as public record.

1-206 Denial of access to public records or meetings.

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151c Records of teacher performance and evaluation not public records.