

INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating, developing, and inspiring our students for lifelong success

Series Number 401 Adopted December 1976 Revised September 2023

Title **Employment**

1. **Equal Employment Opportunity** - District 196 fully endorses and supports the principles of equal employment opportunity.
 - 1.1 The district is committed to selecting individuals for employment, job assignment and advancement on the basis of consideration of valid occupational requirements, objective appraisal of ability, interest to perform the work and length of service with the district. This consideration shall be regardless of sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, gender identity, membership or activity in a local human rights commission, age or genetic information except where such status is a bona fide occupational qualification.
 - 1.2 Compensation, benefits, transfers, layoffs, district-sponsored training, educational assistance, and social and recreational programs will be administered without regard to sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, gender identity, membership or activity in a local human rights commission, age or genetic information.
 - 1.3. Detailed information concerning the district's processes for responding to complaints of discrimination can be found in Administrative Regulation 405.7AR, Harassment, Discrimination, Violence or Hazing, including the contact information for the district's Human Rights Officers and the district's complete grievance procedures.
 - 1.4. Some of the listed "protected classes" are only protected from certain limited forms of discrimination or harassment pursuant to Minnesota law.
2. **Recruitment and Appointment** - District 196 seeks to fill positions with people of high professional ability who will serve to maintain and enhance quality education in the district. Appointments shall be based upon the merits of the candidates, and shall be in compliance with board policy, written master agreements, and state and federal laws.
3. **Physical Examinations** - The district may require employees and potential employees to undergo a physical examination.
4. **Employee Right-to-Know Act** - The district shall be in compliance with Minnesota's Employee Right-to-Know Act of 1983.
 - 4.1 Employee Rights
 - 4.1.1 The board recognizes the right of all employees to receive training on "hazardous substances," "harmful physical agents" and "infectious agents" to which they may be exposed.
 - 4.1.2 The board recognizes the employee's right to refuse to work under imminent dangerous conditions.
 - 4.2 Employee Responsibilities - All employees must take the training provided by District 196 and must follow the guidelines as outlined in the training.

4.3 District Rights

- 4.3.1 The district may assign the employee to alternative jobs until hazardous conditions can be eliminated or until proper training has been provided. The district may ask the employee to sign a statement verifying the training was received.
- 4.3.2 The district may direct an employee to use a less hazardous substance as an alternate to the “hazardous substance” in use. The replacement substance is to be sufficiently as effective as the original substance.

4.4 District Responsibilities

- 4.4.1 The district will provide a training program which meets the requirements of the Minnesota Employee Right-to-Know Act of 1983.
- 4.4.2 The district will establish and maintain an information system for the hazardous substances, harmful physical agents and infectious agents with which an employee may come in contact.
- 4.4.3 The district will provide personal protective equipment for an employee working with a hazardous substance, harmful physical agent or infectious agent, at no cost to the employee.
- 4.4.4 The district will label all containers of hazardous substances and work areas, according to the requirements of the act.
- 4.4.5 The district will provide safe working conditions as outlined in the act.

5. **Background Checks** - An offer of employment from District 196 to an applicant for a district position will be conditioned upon a determination by the district that the applicant's background does not preclude the applicant from employment with the district. The district also may, at its discretion, require volunteers and independent contractors to submit to a background check.

- 5.1 The district will inform applicants for district positions who receive a conditional offer of employment that they will be required to give their informed consent for a background check as described in Minnesota Statutes 123B.03 and 299C.60 et seq.
- 5.2 The district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, volunteers and independent contractors.
- 5.3 The district reserves the right and, unless there are compelling circumstances, will exercise the right to not hire, contract with or accept volunteer services from individuals or to terminate individuals who have been convicted of a background check crime as defined in Minnesota Statute 299C.60 et. seq. or for other violations of the law that are of a sufficient nature to preclude an individual from working for or volunteering with the district. The district does not perform background checks on the staff or volunteers of outside clubs and organizations that offer activities for youth in the community that are not organized or operated by the district.

6. **Position Evaluation**

- 6.1 When the duties for a new position are defined or when the duties of an existing position have increased or decreased significantly, the new or revised job may be evaluated.

- 6.2 This evaluation may serve as the basis for a new or changed salary classification and range for non-union positions, or for a review of the value of the position in the negotiated pay structure for union positions.
7. **Personnel Files** - All evaluations and files generated within the district relating to individual employees shall be available during regular business hours to each employee upon his or her advance written request. Each employee shall have the right to see his or her own file and shall have the right to reproduce any of the contents of the file at his or her expense. However, the district may destroy such files as provided by law.
8. **Resignations** - Resignations shall be submitted to the Human Resources Department and referred to the board for action.
9. **Staffing**
- 9.1 School staffing allocations are approved by the School Board each year as a part of the annual budget-setting process. School staffing allocations include instructional and support staff and are determined by level.
- 9.2 In determining staffing and caseload limits for special education staff, the district shall take into consideration the requirements of Minnesota Rule 3525.2340. For pupils who receive direct special education 60 percent or less of the instructional day, the district shall take into consideration student contact minutes, evaluation and reevaluation time, indirect services, management of Individual Education Plans (IEPs), travel time and other services required in the IEPs of eligible students. Caseload limits for special education teachers shall be determined by the special education director, in consultation with other district administrators.

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- References:**
- Minnesota Statute 123B.03, Background checks
 - Minnesota Statute 182.65, Minnesota Employee Right-to-Know Act, 1983
 - Minnesota Statute 171.3215, Canceling Bus Endorsements for Certain Offenses
 - Minnesota Child Protection Background Check Act (Minnesota Statutes 299C.60 to 299C.64)
 - Minnesota Statute 363A, Minnesota Human Rights Act
 - Minnesota Rules 3525.2340, Case Loads