

**LYON COUNTY SCHOOL DISTRICT
BOARD POLICY**

GB

EMPLOYMENT AND COMPENSATION

Because the District is committed to ensuring that information upon which employment decisions are based is accurate and complete, it is the policy of the District to verify employment information prior to making an offer of employment.

Moreover, the District is committed to responding in a consistent manner whenever inquiries are received requesting information regarding current or former employees of the District.

The Superintendent/designee will develop procedures for acquiring and providing employment references.

Reference: NRS 239.012, NRS 239B, NRS 425, Fair Credit Reporting Act (FCRA), NRS 613

Policy #GB
Revised 11/24/15

EMPLOYMENT AND COMPENSATION – ADMINISTRATIVE REGULATIONS

REFERENCE AND BACKGROUND CHECKS

Reference and background checks are conducted to assist the District in assessing an applicant's fitness for employment with the District. Only those employees designated by the Human Resources Director/designee may acquire employment references. Any employee of the District who attempts to acquire reference information on an applicant must comply with the following:

- Obtain a District employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
- Obtain authorization from the applicant by means of their signature directly on the application and/or separate release form for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant refuses to sign such a release, s/he will be eliminated from further consideration for employment with the District.
- Inform the applicant that the District will conduct a background/reference check and that evaluating the applicant's suitability for employment includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.

Note: For safety-sensitive positions as defined by 42 CFR Part 382 and U.S. Department of Transportation regulations, the District shall obtain, pursuant to an applicant's written consent, information on his/her alcohol tests and/or verified positive controlled substance test results, and refusals to be tested within the preceding two (2) years from date of application which are maintained by the previous employers.

- Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
- Adequately document the conversation and record refusals to provide information on the Reference Background Check form.
- Maintain strict confidentiality of all background/reference information. Only employees, supervisors, or management officials of the District who have a demonstrable work related need-to-know should be accorded access to such information.

All requests for employment information shall be referred to the Human Resources Director or their designee. Only those personnel designated by the Human Resources Director are authorized to release employment information to third parties.

The District has a "neutral reference" policy, as well as a confidential information policy. Only the following personnel information and employment records that the District maintains concerning current and former employees shall be provided upon request:

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary

Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with District's legal counsel.

Employment information and opinions regarding the character, honesty, and potential for violence of the District's employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers; or any other private (non-governmental) employer where the employee's character, honesty, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly, or health care patients; or positions having access to money and/or valuables. The District must provide information requested by law enforcement agencies in accordance with NRS 239B.

Records that are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent employers upon receipt of written request from the employee or former employee.

In accordance with NRS 239.012, a public officer or employee who acts in good faith in disclosing or refusing to disclose information and his/her District, are immune from liability for damages, either to the requester or to the person whom the information concerns.

OUTSIDE INVESTIGATIONS

The District desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background investigations, background checks, and/or other investigations of employees as necessary. If these investigations are conducted by external third parties (also called "consumer reporting agencies"), they will be governed by relevant provisions of the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACT). FCRA and FACT cover background checks and other investigations for prospective employees, and current employees in certain situations, such as a promotion to a position requiring additional information. FCRA and FACT specifically do not apply to investigations of alleged misconduct, such as unlawful harassment charges. NRS 613 restricts the use of consumer credit information to limited positions.

1. The types of reports that may be requested from consumer reporting agencies under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These reports or checks are also called "consumer reports." The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with the applicant's or employee's coworkers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as

“investigative consumer reports.” Any information contained in such reports may be taken into consideration in evaluating an applicant’s or employee’s suitability for employment, promotion, reassignment, or retention.

In order to meet the requirements of the FCRA, effective the date of this policy all applicants for employment will be required to complete a notice and authorization form for requesting consumer and investigative consumer reports unless the authorization was provided on the individual’s employment application form. In the event of an external third party investigation, existing employees will be required to complete a notice and authorization form requesting consumer and investigative consumer reports, if the employee has not previously completed such form.

The District will certify to the consumer reporting agency that

- 1) The notice and authorization requirement has been met;
- 2) The information received is only used for employment purposes;
- 3) The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
- 4) Pre-adverse action requirements will be followed;
- 5) Any additional investigative consumer report disclosures, if applicable, have or will be issued within three (3) days; and
- 6) Upon request from the applicant or employee, the District will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.

The District will provide a copy of the consumer report and a summary of the individual’s rights under the FCRA to the applicant or employee prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a consumer report or an investigative consumer report.

After the District has complied with the above and waited a “reasonable” period of time, the District may take the adverse or negative action. After taking such action, the District must provide to the applicant or employee a notice of adverse action which also contains

- 7) The name, address, and telephone number of the consumer reporting agency;
- 8) A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the applicant or employee of the specific reason(s) for the adverse action;
- 9) A statement that the applicant or employee is entitled to obtain an additional free copy of the “consumer report”;
- 10) A statement that the applicant or employee has a right to dispute the accuracy or completeness of any information in the report; and

If the District secures documented information that a candidate selected for employment has been convicted of a felony involving physical violence or moral turpitude, that candidate will not be hired and any contingent offer of employment will be withdrawn. The District will communicate this requirement to all applicants prior to hire.

LICENSURE REQUIREMENTS

Any employee in a position that requires a license, certificate, permit, or other occupational certification to practice his/her profession through the State of Nevada must adhere to the provisions of Chapter 425 of the Nevada Revised Statutes. This statute establishes procedures under which the agency granting the license, certificate, permit, or occupational certification may withhold, suspend, or restrict the issuance of professional and/or occupational certificates, licenses, or certifications for individuals who

1. Have not complied with a subpoena or warrant relating to child paternity or child support obligations, or
2. Are in arrears in child support payments.

If an employee receives notice that his/her license, certificate, permit, or occupational certification has not been renewed or has been revoked, s/he must immediately notify his/her administrator or manager/supervisor of such revocation. The employee will not perform any task or function for which the license, certificate, permit, or occupational certification is required after s/he has received notice of revocation or non-renewal of such license, permit, etc.

By statute, an employee has thirty (30) days to satisfy one of the following conditions:

- Comply with the court order, subpoena, or warrant;
- Satisfy any arrears payments due; or
- Submit to the District Attorney or other public agency a written request for a hearing.

If the employee fails to satisfy one of the listed conditions, his/her license, certificate, permit, or occupational certification will be revoked by the issuing agency.

In the event the employee does not have a valid license, certificate, permit, or occupational certification, s/he does not meet the job requirements. Failure to meet the job requirements will result in termination.

If a prospective candidate for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.

The District may conduct a review of driver's license records annually for those employees required to drive as a part of their duties.

SALARIES

Hiring Rate of Pay - The normal hiring rate is the first step of the pay range for the position's classification. Advanced step appointments and accelerated step advancement may occur only upon authorization by the Superintendent/designee.

Offers for employment and commitments for salary on hire are made in the job offer letter.

Typically, the first day of employment shall be the first day after the Board has taken official action to hire the individual. However, the first paid day will be the first working day following orientation. Orientation time will not be paid for Classified employees.

The District periodically reviews the salary ranges, which consist of a series of salary steps for each position. This review includes an evaluation of the ranges and steps and, when appropriate, an adjustment of these ranges.

Employees will be paid on the 20th day of each month. When the 20th falls during a holiday or weekend, payday will be the last working day preceding the holiday or weekend. All staff will be paid on the current month basis in twelve equal installments.

For the purpose of figuring additions to salary, fractional year contracts, and deductions, the number of actual workdays will be used to determine the daily rate of salary. For employees other than teachers, the number of workdays will be determined according to contractual arrangement for each category.

The Board of Trustees shall determine salaries and related benefits for all personnel not covered by a negotiated agreement.