

GENERAL PERSONNEL

Hiring Process and Criteria

The Board hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Board policy on equal employment opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21B-80 of The School Code.

All applicants must complete a District application in order to be considered for employment.

Job Description

The Board maintains the Superintendent's job description and directs, through policy, the Superintendent, in his or her charge of the District's administration.

The Superintendent shall develop and maintain a current, comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

Nepotism

The basic criteria for appointment and promotion of all employees will be appropriate qualifications and performance. The intent of this provision is to emphasize that selection of personnel will be based on job related qualifications. Relationship by family, marriage, or domestic partnership will not preclude hiring or promotion/transfer, as long as the individual meets and fulfills the appropriate appointment standards. Related Parties and Household Members, whose qualifications rank each of them first for the positions under consideration may be employed, so long as neither the Related Parties or Household Members is immediately responsible for or influences any employment action. In such instances, all decisions will be referred to the Human Resources Department for final approval; this includes dual career, spouse/partner and any other Related Party or household hiring.

Definitions:

Nepotism: Favoritism applied, without regard to merit, through authority or influence by someone in a position of power, toward Related Parties, Household Members or others for whom the employee is legally responsible. Favoritism is shown by giving preferential treatment in any employment action to Related Parties, Household Members and others as defined in the policy.

Employment Action: Hire, promote, reclassify, supervise, direct, evaluate, make a salary recommendation, assign work or resources, approve leave requests, give any benefit, or terminate employment.

Related Party: Spouse; domestic partner; fiancé; significant other including anyone with whom you have intimate/sexual relations; mother; father; sister; brother; biological,

adopted, or foster child; stepchild; legal ward; grandparent; grandchild; first cousin; aunt; uncle; niece; nephew; mother-in-law; father-in-law; sister-in-law; brother-in-law; daughter-in-law; son-in-law; grandparent-in-law; grandchild-in-law; or corresponding step-relatives; or corresponding relatives of the employee's partner; other persons for whom the employee is legally responsible; and anyone who stood in loco parentis (acting in place of a parent and assuming the parent's rights, duties and responsibilities) to the employee as a child.

Household Member: Any individual living in employee's household or for whom the employee is legally responsible.

I. Disclosure

- A. Individuals must notify their immediate supervisor (e.g. assistant superintendent, principal, executive director, department head, etc.) if any Related Party or Household Member applies for a position for which they will be responsible or may influence the employment actions referred to in this policy. In such instances, the individual has a duty to cooperate in making alternative arrangements.
- B. Individuals who become a Related Party or Household Member to an employee while already employed at the District should promptly report that fact to each employee's direct supervisor and the Human Resources Department, and the affected employees will be treated in accordance with this policy.
- C. Internal and external applicants are required to self-disclose, at the time of application, if the position for which they are applying reports to or supervises a Related Party or Household Member.
- D. Internal and external final candidates for positions must have an approved alternative arrangement in place prior to the appointment.
- E. The Human Resources Department is available to facilitate or consult with parties about notification and making alternative arrangements.
- F. When the conflict of interest cannot be eliminated through alternative arrangements, the hire will not be approved.
- G. Individuals who do not notify their supervisors and do not make alternative arrangements are in violation of this policy and will be subject to corrective action in accordance with District policies and regulations.

II. Alternative Arrangements

- A. Alternative arrangements mean removing the responsibility or influence to hire, promote, reclassify, supervise, direct, evaluate, or make a salary recommendation, assign work or resources, approve leave requests, give any benefit, or terminate employment for the Related Party or Household Member and recusing self from influencing any employment related decision. This includes relationships that are established post-hire. If alternative arrangements are not possible, employment is not feasible.
- B. An Alternative Arrangement Agreement must be approved by the Human Resources

Department prior to hire. Documentation of the Alternative Arrangement Agreement and its approval must be maintained in the personnel file of all impacted employees.

III. Duty to Act

Any staff member, supervisor, including department heads, directors, managers who becomes aware of information regarding nepotism must notify the District Human Resources Department within five work days of becoming aware of the information. The Human Resources Department will determine how to eliminate the conflict.

IV. Accountability

Individuals violating this policy will be held accountable through the selection and corrective action processes, with consequences ranging from non-selection to discipline up to and including termination.

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database are performed on each applicant as required by State law. When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed. The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant is identified in either database. The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the Ill State Police and/or Statewide Sex Offender Database for the purpose of clarifying the information, and/or the Teachers' Retirement System of the State of Illinois when required by law. The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete a U.S. Citizenship and Immigration Services Form as required by federal law.

The Board retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in 105 ILCS 5/21B-80 or who falsifies, or omits facts from, his or her employment application or other employment documents.

In addition, as a condition of employment, the Board will review and consider any indicated finding of abuse or neglect of a child that has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee.

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria.
3. The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.
4. The District does not request or require an applicant to disclose wage or salary history as a condition of employment.
5. The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation.
6. The District does not ask an applicant or an applicant's previous employers about claim(s) made or benefit(s) received under Workers' Compensation Act.
7. The District does not request of an applicant or employee access in any manner to his or her personal online account such as social networking websites, including a request for passwords to such accounts.

Sexual Misconduct Related Employment History Review (EHR)

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

Physical Examinations

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the District

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, their school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the Acknowledgement of Mandated Reporter Status form as provided in Policy 5.90, Abused and Neglected Child Reporting.

LEGAL REF.: 42 U.S.C. §12112; 29 C.F.R. Part 1630; 15 U.S.C. §1681 et seq., 8 U.S.C. §1324a; 105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10- 22.34, 5/10-22.34b, 5/22-6.5, 5/22-94, and 5/24-5. 20 ILCS 2630/3.3
820 ILCS 55/1 et seq.; 820 ILCS 70/1 *et seq.*
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (1st Dist. 1985) aff'd in part and remanded 505 N.E.2d 314 (Ill. 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (2nd Dist. 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (1st Dist. 1945).

CROSS REF.: 2.260, 3.50, 4.60, 4.175, 5.08, 5.10, 5.40, 5.90, 5.120, 5.125, 5.220, 5.280

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