

## CHAPTER 8

### MINIMUM PREEMPLOYMENT REQUIREMENTS

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#### 8.1 HEALTH EXAMINATIONS

8.1.A T.B. EXAMINATIONS: A new employee shall present evidence that he/she has submitted to an examination within the past sixty (60) days to determine that he/she is free of active tuberculosis. The examination shall be by a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an approved intradermal tuberculin test (Mantoux), or if the skin test is positive the employee shall submit to an x-ray of the lungs, or if the employee has previously tested positive, the employee shall submit to an x-ray of the lungs. The x-ray film may be taken by a competent and qualified x-ray technician if the x-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. If a new employee is transferring 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 the employee was examined within the past four years and was found to be free of communicable tuberculosis. This requirement can also be met if it is verified by the school previously employing the new employee that it has such a certificate on file and a copy of such certificate is forwarded to the District. For new employees, evidence of compliance with the requirements of this section must be on file prior to the first day in paid status.

1. Subsequent to employment, and as a condition of continued employment with the District, employees are required to undergo the foregoing examination at least once each four (4) years or more often if directed by the Board of Trustees upon the recommendation of the local health officer.
2. The District may exempt, for a period not to exceed sixty (60) calendar days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an x-ray of the lungs.
3. Preemployment tuberculin test costs are paid for by the District. The District shall provide the skin test and/or x-ray exam at District cost for all continuing employees.

4. The District reserves the right to designate a particular clinic or hospital where the test will be administered.

- REFERENCE:
1. Education Code Sections 88021, 88080 and 88081
  2. Health and Safety Code Sections 3450 and 3451
  3. Administrative Code, Title 5, Section 5505

8.1.B

MEDICAL EXAMINATIONS: Every individual appointed to a position in the Classified Service, or as a limited-term, temporary, provisional, or exempt employee may be required to pass a job-related physical examination 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 job-related medical examination as determined by the District. The examination 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 borne by the District. The medical examination shall be related to the duties as approved in the class specifications.

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/she shall be employed, and shall notify the District of the medical findings. Reasonable accommodations will be made for persons with a diagnosed disability as defined by ADA.
2. If the District's physician proposes to disqualify the individual, the doctor shall provide the District with a statement describing the specific condition, the limitations that have resulted in the individual's disqualification and the specific duties the applicant cannot perform.
3. In consultation with the District's physician, the District shall make a determination if reasonable accommodation can be made for the individual. If the determination is that reasonable accommodation can be made, the appointment shall be made. If the determination is that reasonable accommodation is not possible, the individual will be so notified by the District and informed of appeal rights to the Personnel Commission.

- REFERENCE: Education Code Sections 88021, 88080 and 88081

8.1.C RETURN TO WORK AND UNSCHEDULED EXAMS: An employee may be required to undergo a physical examination at any time there is deemed to be reasonable cause by the District Administration.

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 the employee's regularly assigned duties. (See Chapter 14.2.K)

REFERENCE: Education Code Sections 88021 and 88160

8.1.D MEDICAL EXAMINATIONS: The District shall arrange for and reimburse the costs of the examination for District employees.

REFERENCE: Education Code Sections 88021, 88080 and 88081

8.1.E APPEAL TO THE COMMISSION: Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Personnel Commission.

1. The appeal process shall be conducted pursuant to Personnel Commission in Chapter 4.2.B.
2. The District may employ outside medical experts to give a medical advisory opinion.
3. The Commission, based on evidence submitted and the advice of medical experts, shall determine whether or not the denial of appointment or return from leave shall be sustained. The decision of the Commission shall be final and binding on all parties.

REFERENCE: Education Code Sections 88021, 88080 and 88081

## 8.2 CRIMINAL RECORDS

8.2.A FINGERPRINTING: Every new employee shall submit to a criminal records check in accordance with prescribed procedures or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place prior to employment. The cost of any fingerprinting shall be borne by the applicant.

REFERENCE: Education Code Section 88014

8.2.B 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.

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 persons's application form. If there is a criminal record which was undisclosed and not reviewed prior to employment, the District shall order the dismissal of the employee.
2. If an employee is dismissed because of information disclosed on the criminal records report, the employee shall be removed from all eligibility lists.
3. The District shall notify the eligible or employee of the action taken and the reasons therefor and shall provide the person with an opportunity to appeal the decision in writing within five (5) working days of notification. If an appeal is filed, the Personnel Commission shall conduct an appeal hearing using the procedures outlined in Chapter 4.2.B. The decision of the Commission shall be final and binding on all parties.

REFERENCE: Education Code Sections 88014, 88080 and 88081

### 8.3 PREEMPLOYMENT REQUIREMENTS

8.3.A INCOME TAX WITHHOLDING FORM: New employees shall submit the W-4 form for both State and Federal taxes to the Payroll Office at the time of employment.

REFERENCE: Education Code Sections 88080 and 88081

8.3.B PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) APPLICATION: The Human Resources office shall submit a completed application form for the new employee at the time of employment. This rule shall apply only to those employees entitled to retirement benefits.

REFERENCE: Education Code Sections 88080 and 88081

8.3.C SOCIAL SECURITY NUMBER: New employees shall submit their social security number and card to the District at time of employment.

REFERENCE: Education Code Sections 88080 and 88081

8.3.D LOYALTY OATH: All new employees must take and subscribe to an oath or affirmation of loyalty as required by Article XX, Section 3 of the

California State Constitution and the Education Code. Refusal to sign the loyalty oath shall cause the initial employment offer to be withdrawn. This section does not apply to foreign student employment status.

- REFERENCE
1. Education Code Sections 7000 - 7005, 88080, and 88081
  1. California State Constitution, Article XX

8.3.E 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 District. An individual's right to work is a minimum qualification for employment with the District.

1. No individual shall be allowed to be placed in paid status without having on file with the District sufficient documentation as required by Federal law as to that individual's right to work for the District.
2. No proof will be required until after an initial offer of employment has been made by the District. Every individual will be required to provide verification as required in this rule.
3. An individual unable to provide verification of his/her right to work in this country and for the District pursuant to this rule, shall have his/her name removed from the eligibility list(s), and shall not be placed on the payroll of the District.

8.3.F REQUIREMENT TO NOTIFY DISTRICT OF ANY STATUS CHANGE: Employees shall notify the District whenever their status changes, such as new address, new telephone number, marital status for health and welfare benefits, increase or decrease in the number of dependents for health and welfare benefits and tax purposes, name of person(s) to notify in case of emergency, etc.

REFERENCE: Education Code Sections 88080 and 88081

8.3.G 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 District. As these licenses and/or certificates are renewed, copies of them must also be filed with the District within ten (10) working days of receipt by the employee.

REFERENCE: Education Code Sections 88080 and 88081

8.3.H

REQUIRED TRAINING OR IN-SERVICING OF EMPLOYEES: Any classified employee who is required by the District to attend training/in-service sessions or otherwise engage in training of any kind in order to continue employment shall receive his/her regular rate of pay or overtime rate of pay if required by these Rules and be reimbursed for registration fees and supplies authorized and purchased for the training.

REFERENCE: Education Code Sections 88080 and 88081