

**- CLASSIFIED PERSONNEL -****Hiring****Superintendent's Responsibilities**

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

**Effective Date**

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent.

**PRE-EMPLOYMENT INQUIRIES**

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

**Criminal Background Check and Testing**

Applicants, ~~and~~ employees, ~~and student teachers assigned within the district~~ shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1 & 2</sup>

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".<sup>1</sup>

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, ~~an alcohol offense~~, a violent offense as defined in [KRS 17.165](#), any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. ~~[Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.]~~

**Reporting of Arrest, Charge, or Conviction**

If an applicant is arrested for, charged with, or convicted of one of the offenses listed above, the applicant shall immediately notify the JCPS Department of Labor Management and Employee

Relations. If an employee, at any time, whether on or off-duty, is arrested for, charged with, or convicted of one of the offenses listed in the preceding paragraph, the employee shall immediately notify his or her supervisor of the arrest, charge, or conviction. The supervisor shall immediately notify the JCPS Department of Labor Management and Employee Relations. An employee's failure to report may result in disciplinary action, up to and including discharge.

## **Hiring**

### **Educational Requirements**

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>3</sup>

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>4</sup>

### **VACANCIES POSTED**

A job register listing vacancies to be filled shall be posted on the District's website. Vacancies may also be posted and advertised outside the District.

### **Review of Applications**

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.

### **RELATIONSHIPS**

All applications shall require a response concerning the relationship as defined in [KRS 160.180](#) and [KRS 160.380](#) of each applicant to the Superintendent, other District employees or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in [KRS 160.180](#) and [KRS 160.380](#).

A relative of the Superintendent shall not be employed except as provided by [KRS 160.380](#).<sup>1</sup>

The Superintendent shall not employ a relative of a Board member as defined in [KRS 160.380](#) unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

No employee may use his/her employment status to influence the employment in the Jefferson County School District of a relative which is defined as the employee's father, mother, brother, sister, husband, wife, son, daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law.

No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of such employee. For purposes of this policy, a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

## **Hiring**

### **EMERGENCY HIRING**

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

### **Job Description**

All employees shall receive a copy of their job description and responsibilities.

### **Contract**

The District shall enter into written contracts with all full-time and part-time classified staff.

### **JOB SHARING**

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

### **Reasonable Assurance of Continued Employment**

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of the school year whether they have reasonable assurance of continued employment for the following school year.

Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

### **REFERENCES:**

<sup>1</sup>[KRS 160.380](#)

<sup>2</sup>[702 KAR 005:080](#)

<sup>3</sup>[KRS 161.011](#)

<sup>4</sup>P. L. 107-110 (No Child Left Behind Act of 2001)

[34 CFR 200.58-200.59](#)

[KRS 17.160](#), [KRS 17.165](#); [KRS 156.070](#)

[KRS 160.345](#); [KRS 160.390](#); [KRS 335B.020](#); [KRS 405.435](#)

[OAG 91-10](#), [OAG 91-149](#), [OAG 91-206](#)

[OAG 92-1](#), [OAG 92-59](#), [OAG 92-78](#), [OAG 92-131](#), [OAG 97-6](#)

Kentucky Local District Classification Plan; [785 KAR 001:110](#)

[Records Retention/Public School District Schedule](#)

### **RELATED POLICIES:**

01.11, 02.4244, 03.232, 03.27, 03.5, 06.221

Adopted/Amended: 08/11/2014

Order #: 2014-125