

6Gx53-3.001 EMPLOYMENT PROCEDURES:

I. Equity Statement: Employment with the Polk County School Board requires applicants and employees to recognize the importance of equity and to comply with the School Board's equity efforts in promoting cultural workplace diversity. The School Board shall maintain a work and educational environment free of discrimination/harassment on the basis of race, color, national origin, sex, religion, marital status, age, disability, or any other basis prohibited by law. This shall apply to all employees, applicants for employment, students, or applicants for admission.

A. Discrimination – No employee, student, applicant for admission or applicant for employment shall on the basis of race, color, national origin, sex, language spoken, homelessness, disability, marital status, age, religion, or any other basis prohibited by law be excluded from participation in, be denied the benefits of or be subjected to discrimination/harassment under any educational programs, activities, services, or in any employment conditions, policies or practices conducted by the Polk County Public Schools. See School Board Policy 1.011.

B. Harassment – The School Board of Polk County, Florida, forbids harassment against any employee or applicant for employment on the basis of sex, race, national origin, language spoken, color, marital status, homelessness, or disability or other basis prohibited by law. All employees of the School Board have the right to work in an environment free from discrimination and harassment. The Board will not tolerate sexual, racial, disability harassment activity by any of its employees or non-employee volunteers who work under the control of school authorities, and/or third parties. See School Board Policy 1.006.

C. Notification of this policy will be provided by various means such as new employee orientation, District postings, employee handbooks, and the Student Code of Conduct.

D. Any employee, applicant for employment, student, or applicant for admission who believes he or she has been discriminated against or harassed is encouraged to use the District's established complaint procedures (found in the Equity Handbook) or directly contact his or her supervisor or building principal, or the District Equity Coordinator. For more information and Equity Complaint Form, see School Board Policy 1.006. The Equity Coordinator can be contacted at:

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1. A person having filed a complaint of discrimination/harassment or having testified, assisted, or participated in any manner in an investigation, proceeding, or hearing shall be protected from retaliation.
2. The right to confidentiality of the complainant and the accused will be respected.
3. A substantiated charge of discrimination/harassment by an employee will require corrective action, which may include suspension or termination of employment.
4. A substantiated charge of discrimination/harassment by a student will require corrective action of a level according to the Student Code of Conduct.

II. Applications: All applicants for School Board positions shall submit an official application to the Human Resource Services Division.

A. Applicants/Vacancies: A complete and current listing of applicants and vacancies will be kept on file in the Human Resource Services Division. An applicant is an individual who has a complete application on file in the Human Resource Services office of the School Board. An unhired applicant's application shall remain active for twelve (12) months. If the application is not updated it shall become inactive after twelve (12) months and be discarded after thirty-six (36) months.

B. Job Candidates: A job candidate, or referred to interchangeably as an "applicant" for employment, is an individual with a complete application in the personnel active file who has applied for a specific vacancy.

1. Advertised Vacancy: Individuals who wish to be considered for an advertised vacancy shall notify the Superintendent or designee,

in writing, indicating their qualifications and the position in which they are interested, or as directed via the School Board website. In order for such individual to be deemed a job candidate who would be considered for employment, the individual's written notification of interest in a vacancy must be received in the Human Resource Services office or as designated by the School Board website before the close of the advertising period. It is the sole responsibility of the individual applicant to deliver such written notice in a timely manner. The immediate supervisor or site principal shall maintain written records tracking each applicant for any job at the site-level for a period of twelve (12) months.

2. Consideration: Preference will be given to qualified personnel within the Polk County school system, but this does not preclude qualified persons from outside the system being considered and recommended.

C. Criminal History Background Screening & Fingerprinting: All applicants for employment with Polk County shall be fingerprinted and criminal history background screened, as required by applicable Florida Law including, but not limited to Florida Statutes 435.04, 1012.465, and 1012.56. More details explaining the background screening and fingerprinting process follow in Section V, below.

D. Hiring/Interview Process: The hiring administrator will review the list of job candidates provided through the Human Resource Services office or as listed on the P.E.A.S. system, interview an appropriate number of qualified candidates, and recommend one of the job candidates to the Superintendent for hiring. In making hiring decisions and recommendations, the hiring administrator must be mindful of the School Board's equity commitment.

E. Notification: All job candidates will receive a written response regarding their application for vacant positions.

III. Qualifications: Job descriptions for Board approved positions include minimum qualifications, responsibilities, and duties. When job qualifications require a college degree, the applicant must hold at least a bachelor's degree from a U. S. "accredited or approved" institution or an equivalent degree from a foreign institution as defined by the Florida Department of Education for teacher certification purposes per Florida Statute 1012.56(2)(c), and Florida Administrative Code 6A-4.003.

A. Job Descriptions: Job descriptions are maintained in a separate manual on file in the Human Resource Services Division and are available on the District's website.

B. Magnet School Personnel: Qualifications and procedures for selecting magnet school personnel are on file in the Human Resource Services Division.

IV. Selection Process: The Assistant Superintendent of Human Resource Services shall forward the files of qualified applicants to the Supervisor or Administrator for consideration.

A. Recommendation: The Supervisor or Administrator will submit a recommendation to the Superintendent or designee for consideration and final selection. The Superintendent will submit a recommendation to the School Board for appointment.

B. Notification of Appointment: Notification of appointment will be forwarded to the applicant by the office of the Superintendent or designee, with a copy to the Human Resource Services and to the administrator.

C. Job Description: The appointed applicant shall receive a copy of the job description for the position.

V. Pre-Employment Procedures: All new employees must satisfactorily complete and submit all personnel and payroll requirements, which specifically include the following:

A. Verification of Eligibility: All new employees must submit proof of eligibility, background information, and references for verification. When required to meet employment qualifications, official transcripts from accredited or approved colleges and universities must be received within 45 days of employment.

B. Physical Examinations: All new employees are required to successfully pass a physical examination. Teachers, administrators, professional technical, and support personnel will need to have a physician of their choice complete the required Polk County School Board health certificate. Failure to submit to immediate retesting upon the request of the medical doctor on behalf of the School Board will result in the termination of applicant's hiring process.

C. Fingerprinting & Background Screening: Consistent with Florida Law and Section II above, Fingerprinting and Background Screening shall be

conducted of all applicants; employees; instructional and noninstructional employees; contractual personnel; student teachers; teacher assistants or persons obtaining short-term teacher experience pursuant to §1004.04; and, substitute teachers in accordance with this regulation and applicable State and federal laws. This screening shall include, but is not limited to, fingerprinting and a review of any resulting criminal history. All applicants, employees, and other persons subject to this regulation shall undergo the background screening prior to receiving any salary or other compensation or being allowed on School District property to provide services.

1. Definitions: Contractual personnel – any vendor, individual or entity under contract with the School Board who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds.

2. Fingerprinting & Identification Cards:

(a) Fingerprinting shall be conducted at a location (or locations) designated by The Office of Safe Schools.

(b) Identification Cards may be required by the district for contractors/vendors providing services to the district.

(c) Applicants for employment and contractual personnel shall be responsible for all costs associated with fingerprinting. Contractors/Vendors will be responsible for the cost of issuing identification cards. The Office of Safe Schools shall annually set fees for fingerprinting and issuing identification cards as appropriate. Contractor/vendors may submit a request for reimbursement for the costs of meeting these requirements, on all contracts that have been signed and are in effect on September 1, 2005. The request from the contractor/vendor shall not exceed the total amount charged to the contractor/vendor for the fingerprinting and identification card services.

(d) Re-fingerprinting (reemployment after termination). Personnel whose fingerprints have not been retained by the Polk County School District in the statewide automated fingerprint identification system are required to be re-fingerprinted and must meet Background Screening requirements as required by law upon reemployment by the Polk County School Board.

3. Background Screening, consistent with Florida Law and Section II above:

(a) Background screening shall include a review of the following:

(1) A fully executed employment application (where required); and,

(2) Criminal history obtained through fingerprinting.

(b) In Florida, the entire arrest record is revealed to school districts, including sealed and/or expunged records and military court proceedings. Applicants must disclose this information even if told differently by a lawyer, judge, or other law enforcement individual. If an applicant or employee was given information by a judge then those written instructions would need to be provided to Polk County. Prior criminal records may or may not result in disqualification for employment; however, failure to disclose this information will disqualify a person for employment. Information that must be disclosed includes any offense that occurred **whether as a juvenile or adult**; therefore all adult and juvenile offenses must be listed.

(c) An applicant's criminal history includes any offense for which the applicant posted bail; entered a pre-trial diversion program, pre-trial intervention program, teen or drug court or juvenile program; had adjudication withheld, was convicted or found guilty; was placed on probation; pled guilty or no contest; was jailed or imprisoned; or appeared in court; as a juvenile or adult. Sealed records, expunged records and military court proceedings must be disclosed. DUI and reckless driving are criminal offenses.

(d) If an applicant, employee, or other person has been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to any offense outlined in section 435.04, Florida Statutes (or any similar statute of another jurisdiction) or described below, they shall be released from their probationary service / recommended for termination or their contract for services shall be cancelled. In addition, the School Board shall not employ any person or, permit any

contractual personnel to provide services to the District, where such person has been convicted of a crime involving moral turpitude as defined in Rule 6B-4.009(6), Florida Administrative Code.

(e) In addition to the criminal history check conducted at the time of initial employment or contracting with the District, a request shall be made of FDLE by the District to re-check the criminal history of each employee, contractor or contractors employees each fifth year of their continuing employment or service to the District as required by §1012.465 and 1012.56, F.S. Any fee imposed by the FDLE for this re-screening, including but not limited to re-fingerprinting, shall be borne by and paid for by the District except with regard to contractual personnel.

4. The criminal offenses listed below will render applicants and employees **ineligible for employment** with Polk County Public Schools.

a. **WILL NOT HIRE OR EMPLOY – Felony convictions including, but not limited to the following:**

- 1) Sexual misconduct with certain developmentally disabled clients and reporting of misconduct
- 2) Sexual misconduct with certain mental health clients and reporting of misconduct
- 3) Sexual misconduct with certain forensic clients and reporting of misconduct
- 4) Adult abuse, neglect or exploitation of aged persons or disabled adults
- 5) Murder
- 6) Manslaughter, aggravated manslaughter of an elderly person, disabled adult, or child
- 7) Vehicular homicide
- 8) Killing an unborn child by injury to the mother

- 9) Assault of a minor
- 10) Aggravated assault
- 11) Battery of a minor
- 12) Aggravated battery
- 13) Battery on a detention or commitment facility staff member
- 14) Kidnapping
- 15) False imprisonment
- 16) Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings
- 17) Carrying a child beyond state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person
- 18) Exhibiting a firearm or weapon within 1,000 feet of a school
- 19) Possessing an electric weapon or device, destructive device, or other weapon on school property
- 20) Sexual battery
- 21) Prohibited acts of persons in familial or custodial authority
- 22) Prostitution
- 23) Lewd and lascivious behavior
- 24) Lewd and indecent exposure
- 25) Arson

- 26) Theft, robbery, burglary, and related crimes if the offense is a felony
- 27) Fraudulent sale of controlled substances, only if the offense is a felony
- 28) Abuse, aggravated abuse, or neglect of an elderly disabled adult
- 29) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult
- 30) Exploitation of an elderly person or disabled adult, if the offense was a felony
- 31) Incest
- 32) Child abuse, aggravated child abuse, or neglect of a child
- 33) Contributing to the delinquency or dependency of a child
- 34) Negligent treatment of children
- 35) Sexual performance by a child
- 36) Resisting arrest with violence
- 37) Depriving law enforcement, correctional, or correctional probation officer means of protection or communication
- 38) Aiding in an escape
- 39) Aiding in the escape of juvenile inmates in correctional institutions
- 40) Obscene literature
- 41) Encouraging or recruiting another to join a criminal gang

- 42) Drug abuse prevention and control only if the offense was a felony or if any other person involved in the offense was a minor
- 43) Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm
- 44) Harboring, concealing, or aiding an escaped prisoner
- 45) Introduction of contraband into a correctional facility
- 46) Sexual misconduct in juvenile justice programs
- 47) Contraband introduced into detention facilities
- 48) All felony drug related convictions
- 49) Acts of terrorism

b. MAY BE CONSIDERED IF CONVICTION IS MORE THAN FIFTEEN YEARS OLD for applicants and employees who operate School Board vehicles and/or transport students

- 1) Criminal traffic violations
- 2) DUI

c. MAY BE CONSIDERED IF CONVICTION IS MORE THAN FIVE YEARS OLD

- 1) Misdemeanor drug or paraphernalia
- 2) Resisting arrest

d. MAY BE CONSIDERED ON A CASE BY CASE BASIS

- 1) Cases pending
- 2) Domestic violence

- 3) Multiple arrests
- 4) On probation (Crimes not listed above)
- 5) City ordinances/criminal traffic offenses not listed above
- 6) Any misdemeanor crime not listed above
- 7) Criminal traffic violations, including, but not limited to DUI, for applicants and employees who do not operate School Board vehicles and/or do not transport students

e. Eligibility for hire under these guidelines does not guarantee employment with Polk Schools.

5. Failure to meet criminal history Background Screening shall constitute just cause for termination for employees.

6. Failure to meet criminal history Background Screening shall render applicants ineligible for employment.

7. If a probationary employee is terminated for failing to meet the District's hiring guidelines, said employee shall be entitled to appeal this decision pursuant to §1012.32, F.S. The appeal shall be through the standards review process as administered by the Department of Professional Standards. The employee must be suspended until the appeal has been resolved. If any other person required to be screened pursuant to this rule fails to meet the appropriate guidelines, said person shall not be allowed on School District property for purposes of providing services or serving an internship.

8. School volunteers will be required to undergo a FDLE criminal background review. Any person found under this section to be identified as a sexual predator or offender through FDLE's records may not be allowed to render services to the District.

a. Background screening for Polk County Public School volunteers will include a review of the following:

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- 1) A submitted volunteer application
 - 2) Review of criminal history obtained through the Florida Department of Law Enforcement (FDLE)
- b. Applicants will be considered guilty if they were:
- 1) Found guilty following a trial
 - 2) Entered a guilty plea
 - 3) Entered a no contest plea
- c. Applicants may not volunteer until current cases have been adjudicated and until probation has been terminated.
- d. Applicants may never volunteer if they have been found guilty of the crimes listed below:
- 1) Murder
 - 2) Sex offenses such as sexual battery
 - 3) Lewd or lascivious acts
 - 4) Soliciting lewd acts or indecent exposure
 - 5) Sexual misconduct
 - 6) Prostitution or solicitation of prostitution
 - 7) Obscenity or pornography.
- e. Volunteer approval will not be granted to applicants who have been found guilty at a felony level of the following crimes within 10 years from the date of conviction:
- 1) Battery, robbery or other felonies involving violence
 - 2) Kidnapping
 - 3) Manslaughter
 - 4) Possession of concealed firearms or weapons
 - 5) Contributing to the delinquency of a child
 - 6) Drug related convictions
 - 7) Abuse, neglect
 - 8) Domestic violence
- f. Volunteer approval will not be granted to applicants who have been found guilty in the last 5 years at the misdemeanor level of the following crimes:

- 1) Drug related conviction
 - 2) Domestic violence
 - 3) Battery
 - 4) Child neglect
- g. Volunteers may have reduced volunteer privileges if they have been found guilty of:
- 1) Theft
 - 2) Issuing worthless checks
 - 3) Robbery
 - 4) Forgery
 - 5) Any criminal traffic related offense
- h. Polk County Schools reserves the right to:
- 1) Re-check the criminal history of any approved volunteer at any time when warranted.
 - 2) Revoke volunteer approval as necessary for the security of schools and students.
 - 3) Conduct individual case reviews as deemed necessary by the Senior Coordinator of Community Involvement, Internal Investigator and School Board Attorney

9. A duly authorized representative of the contractor/vendor entering into contract with the school district shall certify all employees who meet the criteria for fingerprinting by reviewing all applicable employees against the Florida Department of Law Enforcements Sexual Offender/Predator Website at www.sexpred@fdle.state.fl.us. Any contractor/vendor employee listed as a sexual offender or predator shall be denied access to all school campuses for the purpose of providing services. The contractor/vendor shall provide in writing, on a form supplied by the district, the names, addresses, dates of birth and the date of FDLE search. Further, the contractor/vendor shall annotate on the district's form the results of the search. The district shall periodically review at least 10% of the submitted names to ensure compliance. The FDLE review shall take place prior to the contractor/vendor being fingerprinted.

10. All criminal history obtained as a result of this regulation shall be maintained confidential as required by State and federal law.

11. As required by §§1012.465 and 1012.56, F.S., any person (instructional or noninstructional) who is employed or under contract with the District and must be fingerprinted pursuant to this regulation must self-report convictions of disqualifying offenses within 48 hours of such conviction. A disqualifying offense is either a crime involving moral turpitude or one that would disqualify the person for employment pursuant to the hiring guidelines.

12. In the event the required background checks for a contractor/vendor or their employees have not been completed such contractor/vendor or employees entering a school campus while students are present will be escorted by a school district staff member the entire time the individual remains on campus. Such escort will be implemented to preserve the safety of students on campus. The contractor/vendor will make every effort to achieve compliance as soon as practicable.

13. Request for Review. Any party who is denied employment pursuant to this policy shall be entitled to request a review of such employment decision. The request for review shall be submitted in writing to the Superintendent or a designated representative within ten days from the affected party's notification of the adverse employment decision.

14. The Human Resource Services' Background Screening Review Committee (BSRC) will carefully consider and review all challenges to the accuracy of criminal history reports, incomplete information contained in the criminal history report and/or FBI Identification record, and consideration of applicants, employees, or others subject to the Background Screening & Fingerprinting criterion described above. Employees and applicants for employment shall be notified via regular U.S. mail about their determination of suitability for employment and shall be provided the opportunity to complete, or to challenge the accuracy of the information contained in the criminal history report and/or FBI Identification record.

(a) Review Procedure. Employees and applicants for employment shall be afforded a reasonable time to correct or complete their information, or decline to do so. The review shall be conducted by a BSRC of not less than three or more than five School Board administrative employees appointed

by the Superintendent with one member designated as Chair. The BSRC shall set a time to meet with the affected party to receive information from said party pertinent to the employment decision at issue. The BSRC shall operate under procedures established by the Chair. The BSRC shall issue a recommended decision to the Superintendent within ten days of the meeting with the affected party.

(b) Standard for Review. In rendering its recommendation, the BSRC shall consider and determine whether the employment decision at issue was in compliance with applicable law and the policies of the School Board.

(c) Final Decision. The Superintendent will then make the final determination for employment eligibility based on information submitted by the Applicant, Employee, or other affected party and the BSRC's recommendation. The Superintendent may adopt or modify, in whole or in part, the recommendation of the Committee. The Superintendent shall then make the final determination for each case reviewed. The Superintendent's decision shall be final.

D. Falsification of Employment Application: Falsification of employment application shall be considered conduct in conflict with the standard of behavior expected of an employee of the Board and shall be grounds for immediate dismissal.

E. Loyalty Oath: Florida Statutes provide that all persons who are on the payroll of the School Board are required to take an oath to support the Constitution of the United States and of the State of Florida.

VI. Probationary Period/Job Performance:

A. Ninety Days: All employees shall be considered probationary until such time as the employee has satisfactorily performed the job duties assigned for a period of ninety (90) days or as otherwise governed by the various Collective Bargaining Agreements.

B. Annual Contract: Employment for instructional personnel under annual contract shall be probationary during the initial three years of employment.

VII. Family Employment: Employees will not be assigned to work in positions in which they are required to supervise a family member or be supervised by a family member.

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A. Definitions: Members of the family are defined as: Father, Mother, Son, Daughter, Brother, Sister, Grandfather, Grandmother, Nephew, Niece, Husband, Wife, First Cousin, Ward of Employee, Stepfather, Stepmother, Father-in-law, Mother-in-law, Son-in-law, Daughter-in-law, Brother-in-law, Sister-in-law, Uncle, Aunt, Stepson, Stepdaughter, Stepbrother, Stepsister, Half-Brother, or Half-Sister.

B. Direct or delegated supervisory authority shall be defined as a School Board employee who is authorized to recommend individual(s) for appointment, demotion, or promotion and who is responsible for evaluating or disciplining family member applicant(s).

C. It is the employee's responsibility to notify the Director of Employee Relations whenever this policy is violated in order that a transfer may be arranged as soon as possible.

VIII. Resignations: All personnel requesting to be released from their contract and/or appointment must submit a letter in writing giving reason and effective date to their immediate supervisor who may recommend acceptance to the Superintendent or designee.

A. Final: All resignations will be final on the date the resignation is accepted by the Superintendent or Superintendent's designee.

B. Agenda: Resignations will be placed on the School Board agenda for information.

Statutory Authority: Florida Statutes: 1001.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: Florida Statutes 435.04; 760.10; 1004.04; Chapter 1012, Personnel; and Florida Administrative Code 6B-4009(6).

Adopted: July 26, 1972

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Amended:

October 12, 1993

May 09, 1995

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May 27, 1997

May 26, 1998

October 26, 1999

April 24, 2001

August 13, 2002

April 22, 2003

August 12, 2003

January 27, 2004

January 10, 2006

May 30, 2006

January 9, 2007

August 14, 2007