

## UINTAH SCHOOL DISTRICT POLICY ACTION REVIEW

1st Reading	11/11/20	New	
2nd Reading	12/9/20	Revised	X
Effective Date	12/9/20	Substitute	

### **005.0200 HIRING POLICY**

*REVISES 005.0200 HIRING POLICY (LAST APPROVED 6/20/17)*

The District shall hire new personnel to fill job vacancies resulting from, but not limited to: resignation, increased enrollment and necessary new positions as approved by the Board of Education. If a position results from a resignation, the principal or supervisor is to secure a letter of resignation, addressed to the Superintendent or Human Resources Director. Once there is verification of a resignation, the vacancy may be advertised.

#### **1.0 NONDISCRIMINATION**

- 1.1. The District shall not, because of an individual's race, color, age, religion, national origin, gender, disability, pregnancy, pregnancy-related conditions, childbirth, or any activity protected under state and federal law:
  - 1.1.1. Refuse to hire or to promote, discharge, demote, terminate, retaliate against or harass any otherwise qualified individual; or
  - 1.1.2. Discriminate against an otherwise qualified individual with respect to compensation or in terms, privileges, or conditions of employment.

#### **2.0 OTHERWISE QUALIFIED**

- 2.1. An individual is not considered "otherwise qualified" unless the individual has the education, training, ability, integrity, disposition to work, adherence to reasonable rules and regulations, and other bona fide job-related qualifications required by the District for the particular job, job classification, or position to be filled or created.

#### **3.0 TITLE IX COORDINATOR**

- 3.1. The District shall designate at least one employee whose responsibilities shall include coordination of the District's Education Amendments of 1972, as amended, and its implementing regulations. The District shall notify all employees of the name, office address, and office telephone number of the employee(s) so designated.

#### 4.0 SECTION 504 COORDINATOR

- 4.1. The District shall designate at least one person to coordinate its efforts to comply with Section 504 of the Vocational Rehabilitation Act of 1973 and its implementing regulations.
- 4.2. The District will take appropriate continuing steps to notify applicants and employees that it does not discriminate on the basis of handicap in violation of Section 504 of the Vocational Rehabilitation Act of 1973 and its implementing regulations.

#### 5.0 DEFINITIONS

- 5.1. “Person with disabilities” means any person who has a record of, is regarded as having, or has a physical or mental impairment that substantially limits one or more of life’s major activities. A “qualified person with disabilities” is a person with disabilities who, with reasonable accommodations, can perform the essential functions of the job in question. Employees or prospective employees have the responsibility of notifying the District human resources office of need for reasonable accommodations.
- 5.2. “Has a record of such an impairment” means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- 5.3. “Regarded as having an impairment” means (a) has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a District as constituting such a limitation; (b) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairment; or (c) has no physical or mental impairment but is treated by the District as having such an impairment.
- 5.4. “Physical or mental impairment” means (a) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- 5.5. “Major life activities may include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and major bodily functions.
  - 5.5.1. This is not an exhaustive list of all major life activities. Rather, it is representative of the types of activities that are major life activities;

similar activities in terms of their impact on an individual's functioning, as compared to the average person, may also be major life activities.

5.6. Major bodily functions include but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Public Law 110–325—Sept. 25, 2008.

5.7. Administrative positions, for the purposes of this policy, are those positions paid on the Stipend Based Administrative Certificated Salary Schedule.

## 6.0 EXCEPTIONS

6.1. The following are not included in the definition of “person with disabilities”:

6.1.1. A person whose current use of alcohol or drugs prevents the performance of job responsibilities or constitutes a direct threat to the property or safety of others.

6.1.2. A person who has a currently contagious disease or infection and who therefore would constitute a direct threat to the health or safety of other individuals, or who therefore is unable to perform the duties of the job.

## 7.0 RESIDENCE

7.1. The Board shall not require an employee to reside within the District as a condition of employment.

## 8.0 ASSOCIATION

8.1. No person shall be denied employment in the District by reason of membership or non-membership in any labor organization, labor union or any other type of association.

## 9.0 NEPOTISM

The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds, including employees paid with funds from a federal grant.

9.1. Definition of Relative: For purposes of this section, “relative” means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law.

Definition of Public Officer: “Public Officer” means a person who holds a position that is compensated by public funds.

Definition of Appointee: “Appointee” means an employee whose salary, wages, pay or compensation is paid from public funds.

Definition of Volunteer: A person who receives no compensation from public funds.

- 9.2. No Board member or officer of the District may employ, appoint, supervise, evaluate, recommend salary increase for, or vote for or recommend the appointment of a relative or cohabitant in or to any position or employment, when the salary, wages, pay, bid or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative.
  - 9.2.1. Volunteers are exempt from this policy.
- 9.3. It is illegal to evade the provisions of this policy by trading.

NOTE: An example of trading would be if the Board employed the relative of a person subject to the nepotism statute, in return for which that person employed a relative of a Board member, given the fact that neither employer could legally employ his or her own relative.
- 9.4. Any current violation of this policy must be corrected upon discovery. If the violation of this policy cannot be corrected by an immediate transfer, the first available transfer must be utilized.
- 9.5. In extenuating circumstances, exceptions to this policy may be approved by the Board of Education.

#### 10.0 HIRING PROCESS - NON-ADMINISTRATIVE POSITIONS

- 10.1. If a position results from a resignation, the principal or supervisor is to secure a letter of resignation addressed to the Superintendent.
- 10.2. If an employee has not notified his/her immediate supervisor of his/her intent to resign within five (5) working days of last day worked, the employee may be terminated.
- 10.3. Once there is a verification of a vacancy, the principal or administrative supervisor is to submit to the district Business Office a *Notification of Vacancy Form*, detailing:
  - 10.3.1. the correct job title;
  - 10.3.2. minimum educational experience and training requirements as specified in job description;
  - 10.3.3. specific responsibilities of the job;
  - 10.3.4. additional qualifications which are preferred.Written criteria are developed which is related to the position requirements. The selection process shall be uniform in application to all applicants. All applicants shall be fully informed of the criteria and procedures associated with the selection process prior to an interview or at the beginning of the interview.
- 10.4. Requests for transfers with the same job classification will be handled in accordance with the Assignments and Transfer Policy USD 005.0900.
- 10.5. The Human Resource Office, in consultation with the Superintendent, will post job openings over district e-mail and on the district website, at minimum; job openings will remain open for at least one week.

- 10.5.1. Such advertisements may reference either specific openings or general categories of need (i.e., elementary teacher openings).
- 10.6. The Human Resource Office will accept all applications until 5:00 P.M. on the deadline date, unless otherwise specified on the job announcement.
- 10.7. The Human Resource Director or his/her designee will utilize a pre-screening process, which may include a reference check, to identify those candidates who have submitted complete application packets and who are the most qualified for the position and therefore eligible for interview by the principal or administrative supervisor and his/her committee.
  - 10.7.1. Candidates selected for interview must be at least 21 years of age, aside from the following exceptions:
    - 10.7.1.1. Candidates for elementary teaching assistant positions-must be at least 18 years of age;
    - 10.7.1.2. Candidates for school foods service worker positions-must be at least 18 years of age;
    - 10.7.1.3. Summer maintenance/grounds worker positions-must be at least 18 years of age; and
    - 10.7.1.4. Exceptions made on a case-by-case basis.
  - 10.7.2. The Human Resource Director or his/her designee will identify qualified applicants according to criteria related to the position requirements and responsibilities, minimum educational experience and training requirements, and additional qualifications which are preferred.
  - 10.7.3. The principal or administrative supervisor will notify the Human Resource Office as to the number of eligible candidates he/she wishes to interview; the Human Resource Office will subsequently provide him/her with the names and contact information of the eligible candidates.
- 10.8. The Principal or Supervisor will assemble an interviewing committee which must consist of three to seven members, including an administrator or program supervisor and at least one member with the same job classification as the interviewee.
  - 10.8.1. On at least a yearly basis, the Human Resources Director will train Principals and Supervisors regarding proper interview protocol.
  - 10.8.2. Principals and Supervisors will train members of the interviewing committee regarding proper interview protocol.
  - 10.8.3. Interviews will be scheduled by the school or department, and will be held either at the school/department or at the district office.
  - 10.8.4. Prior to the interview session, the principal or supervisor will develop a set of interview questions to be asked of all interviewees.
    - 10.8.4.1. Interview team members will not ask questions, solicit responses, or recommend an individual for hire based upon

race, color, national origin, religion, age, gender, disability, family/pregnancy/marital status, pregnancy or pregnancy-related conditions, childbirth, child care arrangements, residence proximity, personal/private matters, or any activity protected under state and federal law.

- 10.8.5. All members of the interview committee will, prior to the interviews, sign an *Interview Team Confidentiality Agreement*, wherein they agree to follow proper interview protocol.
- 10.9. The principal or supervisor will forward to the Human Resource Office all interview forms, including application packets, notes, scoring and ranking sheets, and signed *Interview Team Confidentiality Agreement* forms, and may notify successful candidate of recommendation to hire.
  - 10.9.1. The principal or supervisor will not provide candidate with salary or benefits information.
- 10.10. A representative from the USD Human Resources Department will notify the successful candidate to confirm the job offer, and will provide information regarding fingerprinting, salary, and benefits.
- 10.11. The Human Resource Office will provide notice to those interviewees not selected for hire.
- 10.12. Approval to bypass the screening and interviewing committee requirements may be granted by the Superintendent for the following reasons: (1) to allow for out-of-area recruiting by the Human Resources Director or his/her designee, who will be allowed to interview and recommend candidates for hire following consultation with and approval from the Superintendent and the principal/supervisor affected by the hire; (2) to allow the superintendent's appointment of a current employee or current volunteer to serve as an interim athletic coach/assistant coach in order to temporarily yet quickly fill a vacancy resulting from an unanticipated situation resulting in pressing and urgent need (i.e., a coach's late resignation, etc.), (3) to allow the superintendent to temporarily appoint a current employee or current volunteer to fill a vacancy resulting from an unanticipated situation resulting in pressing and urgent need (e.g. resignation of a full-time contract teacher, or classified position deemed critical or essential when school is in session), or (4) when directed by or with approval from the USD Board of Education.
  - 10.12.1. A current employee or current volunteer appointed by the superintendent to serve as an interim athletic coach/assistant coach as described in section 10.12 must complete all payroll paperwork prior to beginning work as an interim coach/assistant coach.
- 10.13. Persons nominated for employment by the Superintendent, may begin work on a provisional status until appointment by the Board of Education at the next formal board meeting.

## 11.0 HIRING PROCESS – ADMINISTRATIVE POSITIONS

- 11.1. If a position results from a resignation, the principal or supervisor is to secure a letter of resignation addressed to the Superintendent.
- 11.2. If an employee has not notified his/her immediate supervisor of his/her intent to resign within five (5) working days of last day worked, the employee may be terminated.
- 11.3. Once there is a verification of a vacancy, the principal or administrative supervisor is to submit to the district Human Resource Department a *Notification of Vacancy Form*, detailing:
  - 11.3.1. the correct job title;
  - 11.3.2. minimum educational experience and training requirements as specified in job description;
  - 11.3.3. specific responsibilities of the job;
  - 11.3.4. additional qualifications which are preferred.
- 11.4. The selection process shall be uniform in application to all applicants. All applicants shall be informed of the criteria and procedures associated with the selection process prior to an interview or at the beginning of the interview.
- 11.5. Requests for transfers with the same job classification will be handled in accordance with the Assignments and Transfer Policy USD 005.0900.
- 11.6. The Human Resource Office, in consultation with the Superintendent, will post administrative job openings over district e-mail and on the district website, at minimum; job openings will remain open *for at least one week*.
  - 11.6.1. Such advertisements will reference specific openings.
- 11.7. The Human Resource Office will accept all applications until 5:00 P.M. on the deadline date, unless otherwise specified on the job announcement.
- 11.8. Candidates selected for interview must be at least 21 years of age.
- 11.9. The Human Resource Director or his/her designee will utilize a pre-screening process, which will identify those candidates who have submitted complete application packets, identify qualified applicants according to criteria related to the position requirements and responsibilities, minimum educational experience, training requirements, and administrative certification requirements.
- 11.10. The principal or administrative supervisor will notify the Human Resource Office as to the number of eligible candidates he/she wishes to interview; the Human Resource Office will subsequently provide him/her with the names and contact information of the eligible candidates.
- 11.11. The Principal or Supervisor will assemble an interviewing committee which will consist of at least four members, which should include 1) a Board of Education member, 2) the Superintendent or his/her designee, 3) the principal/supervisor affected by the hire or his/her designee and 4) at least one member with the same job classification as the interviewee.

- 11.12. Principals and Supervisors will train members of the interviewing committee regarding proper interview protocol.
- 11.13. Interviews will be scheduled by the school or department, and will be held at the district office.
- 11.14. Prior to the interview session, the principal or supervisor will develop a set of interview questions to be asked of all interviewees.
  - 11.14.1. Interview team members will not ask questions, solicit responses, or recommend an individual for hire based upon race, color, national origin, religion, age, gender, disability, family/pregnancy/marital status, pregnancy or pregnancy-related conditions, childbirth, child care arrangements, residence proximity, personal/private matters, or any activity protected under state and federal law.
- 11.15. All members of the interview committee will, prior to the interviews, sign an Interview Team Confidentiality Agreement, wherein they agree to follow proper interview protocol.
- 11.16. The principal or supervisor will forward to the Human Resource Office all interview forms, including application packets, notes, scoring and ranking sheets, and signed Interview Team Confidentiality Agreement forms.
- 11.17. The interview committee will fill out the Administrative Position Interview Process Summary Sheet. This document will be sent to every school board member via email by the HR department on the date of the selection of the successful applicant.
- 11.18. The principal, supervisor, or representative from the USD Human Resources Department may notify the successful candidate to confirm the job offer. The principal or supervisor will not provide the candidate with salary or benefits information. A representative from the USD Human Resources Department will provide information regarding fingerprinting, salary, and benefits.
- 11.19. The Human Resource Office will provide notice to those interviewees not selected for hire.
- 11.20. Approval to bypass the screening and interviewing committee requirements may be granted by the Superintendent for the following reasons: (1) to allow the superintendent to temporarily appoint a current employee to fill a vacancy resulting from an unanticipated situation resulting in a pressing and urgent need (i.e., resignation of a full-time contract administrator, or coordinator position deemed critical or essential when school is in session), and or (2) when directed by or with approval from the USD Board of Education.

## 12.0 EMPLOYEE APPOINTMENT

- 12.1. All new employees of the District will be appointed by the Board, only upon the recommendation of the Superintendent. Should a person recommended by the



interview committee, and the Superintendent be rejected by the Board majority, it shall be the Superintendent's duty to make another recommendation.

- 12.2. In determining the recommendation, the Superintendent will consider the advice of the building principal and the interview committee.

All licensed personnel selected must be appropriately licensed or must have the necessary provisional authorization from the State Board of Education. Duplicate copies of all documents necessary for licensing or provisional authorization by Utah State Office of Education will be submitted to Utah State Office of Education and Uintah School District Office, by September 15 of the year in which a certificated employee is hired, in order to receive a salary from the district. (See Policy 005.0525 Sub-section 5.2)