

RECRUITMENT, HIRING, AND BACKGROUND CHECKS FOR NEW CLASSIFIED PERSONNEL

The McKenzie County Public School District #1 School Board is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

Definitions

For the purposes of this policy:

- *Applicant* is defined as any individual applying for a classified position.
- *Classified employees/personnel* are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- *Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.¹
- *Sexual offender* is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

Recruitment and Hiring Authority

The Board authorizes the Superintendent to hire classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations. However, any decision to hire a board member to fill a vacant classified staff position must be made in accordance with policy BAA, Employing Board Members and requires board approval as outlined in that policy.

All classified employees shall be hired on an hourly rate and not on a contract. The employment of classified employees shall be at-will.

All advertising for classified positions shall include a statement that applicants are eligible for Veterans' Preference and the District is an Equal Opportunity Employer. The advertisement should include a closing date.

Qualifications Screening Process

A hiring committee or representation of administration or manager(s) shall investigate the qualifications of applicants for classified positions, including education and experience.

In order to determine if an applicant is qualified, the hiring committee shall conduct criminal history record checks when necessary (as explained below) and may:

1. Conduct a driving record check for applicants seeking a position involving transportation of students and/or regular use of district vehicles.
2. Conduct a credit check for positions involving regular access to district funds.
3. Require a work history from at least the past 5 years.
4. Require applicants to submit to an oral interview. The interview shall have a standard set of job-related questions and pre-determined satisfactory answers. The interview may be conducted in-person or remote methods as deemed appropriate.
5. Require at least 3 professional references.
6. Require the applicant to submit to a work simulation.

Job announcements for positions requiring satisfactory driving and/or credit records (as determined by the hiring authority prior to advertising) must list such requirement(s).

An applicant shall be deemed unqualified for employment if their employment with the District would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee.

Qualifications Screening: Criminal Background Checks

As part of the qualification's investigation, applicants for positions that allow unsupervised contact with students shall be required to:

1. Submit to a criminal history record check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge or as included in the application process.

The Superintendent or designee shall adjudicate criminal history records based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s).
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred.
3. The nature of the job sought.

Applicants shall be deemed to be at a risk unsuitable for district employment in at least the following instances:

1. The applicant is a sexual offender or has committed an offense involving a child victim.
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

Applicant Rights

Applicants claiming Veterans' Preference must provide appropriate certification in accordance with law.

Records obtained by the District for background and other record checks shall be used solely for purposes that they were requested and shall only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete their criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

Competitive Personnel System

The District may use a competitive personnel system after conducting the qualifications screening. The system shall be an exam administered in compliance with the point system and other requirements contained in NDCC 37-19.1-02(4).

Final Selection

The District shall make all final selections of employees for classified positions in accordance with Veterans' Preference law (NDCC 37-19.1-02). When permitted by law, this may include further inquiry (i.e., after initial qualifications screening and, if applicable, the completion of the competitive personnel exam) into an applicant's qualification based on screening mechanisms such as interviews, background checks, and skills testing.

Orientation

The Superintendent or designee shall provide an orientation program for new classified employees to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DBAA-E2, Intent to Hire Letter
- DI, Personnel Records

McKenzie County Public School District #1 Policy DBAA.....

Adopted: 2/15/2022