

Duties, Responsibilities, and Rights

The County Superintendent of Schools recognizes the importance of having adequate job descriptions for every employee. The County Superintendent shall direct appropriate staff to prepare and regularly update job descriptions for all classes of positions.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with policies, administrative regulations, applicable employee agreements, and local, state, and federal laws.

The County Superintendent expects employees to maintain the highest ethical standards. Employee conduct should enhance the integrity of the County Office of Education and the goals of the educational program.

Employees are encouraged to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Civil and Legal Rights

1. The personal life of an employee is not an appropriate concern for the attention of the County Superintendent of Schools except as it may directly prevent the employee from properly performing his/her duties or responsibilities.
2. Employees shall be entitled to full rights of citizenship. The religious or political activities of any employee or the lack thereof shall not be grounds for any discipline or discrimination with respect to the professional employment of such employees, providing such activities do not violate County Office of Education policies, administrative regulations, or local, state, or federal laws.
3. No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any grievance.
4. No employee shall suffer any professional disadvantage by reason of the employee's membership or nonmembership in an employee association or participation in its lawful activities.

Duties, Responsibilities, and Rights (Continued)

Legal Reference: Education Code
200-261, 7050-7057, 35020, 44040, 44662, 44801, 44805-44807,
45100.5-45108.7, 45109, 45256.5
California Code of Regulations, Title 5
30-31, 5530, 5550-5552, 5570, 80331-80338
Government Code
3543.5, 12940 et seq.
Title VIII, Civil Rights Act as amended by Title IX, Equal
Employment Opportunity Act

Policy
adopted: December 7, 1983

Policy
amended: May 14, 1997

Personnel - All PersonnelRecruitment and Selection

Recruitment Procedures

A. General

The Director of Human Resources has the responsibility to conduct the recruitment process. Every effort shall be made to attract the best qualified for employment with the Contra Costa County Office of Education. Job announcements are to reflect qualification standards that are job related.

Distribution of job announcements is to be in accordance with existing employee organization agreements; it is to be within, as well as beyond, the boundaries of Contra Costa County. Efforts to attract qualified minorities, women, and other protected groups are to be part of this recruitment process.

B. Personnel Requisition

A properly completed and approved (by appropriate Assistant/Deputy Superintendent) personnel requisition form represents the initial step in the recruitment procedure. If the personnel requisition is for a new position, a description of the job duties are to be included with the completed form.

C. Job Announcement

A job announcement is prepared by the Human Resources Department following receipt of the personnel requisition. Distribution of this announcement is made to numerous agencies/locations and is to reflect the initial step in our Affirmative Action efforts to attract qualified members of protected groups.

Selection Procedures

A. General

The Director of Human Resources has the responsibility to ensure there is uniformity and consistency in the screening and interviewing process. Written and/or performance tests may be utilized in this process.

Efforts are to be made to ensure all selection procedures are job related and that screening and interview panel members have a clear understanding of Affirmative Action and Equal Employment Opportunity legislation. Inclusion of minorities, women, and other protected group members on screening and interview panels is to be followed when possible.

Recruitment and Selection (Continued)

B. Application Screening Process

Following receipt of properly completed applications during the required posting period, the Human Resources Department will coordinate arrangements for an application screening committee to review all applications received. This committee is normally composed of three members and is to identify a limited number of candidates who are determined to be the best qualified.

C. Interview Panel

A team of three people will normally be identified to sit on an interview panel to evaluate the qualifications of candidates previously identified by the screening committee for further consideration. The Human Resources Department coordinates the arrangements for this process.

D. Qualified Candidates

The interview panel is to (1) determine which candidates are qualified (or not qualified), and (2) rank those determined to be qualified by assigning a numerical score ranging from 70-100. No predetermined number of qualified candidates is to be made in this regard.

E. Employment List

Following the interview process, the Human Resources Department prepares a list of all candidates considered to be qualified by the interview panel.

F. Employment References

Employment references are to be checked prior to the final selection of a candidate to fill a vacant position. Employment Reference check forms serve as a guideline in checking references and will be provided to the administrator making the final selection.

G. Final Selection

The final selection of a qualified candidate to fill a budgeted position is normally made by the appropriate program administrator. Approval of the County Superintendent of Schools is required in the final selection of an individual to fill a management position. The County Board of Education will be informed of the final selection of an individual, including a transfer of a Management employee, to fill a Management position (see Policy 4400). The official, written offer of employment to all individuals is extended by the Director of Human Resources.

Personnel - All Personnel

Recruitment and Selection (Continued)

For other information related to recruitment and selection of personnel see the current employee agreements with Contra Costa County Schools Education Association/CTA/NEA and Public Employees Union, Local No. 1. These agreements are appended to this Policy/Administrative Regulation Manual.

Regulation
approved: December 7, 1983

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amended: May 14, 1997

Affirmative Action: Recruitment and Selection

The County Superintendent believes that an Affirmative Action Employment Program means planned activities designed to seek, hire, and promote protected groups. The Affirmative Action Program is a conscious, deliberate step taken by each hiring administrator to assure equal employment opportunity for all staff, both certificated and classified, including management. Affirmative Action programs require additional efforts to recruit, employ, and promote members of groups formerly excluded at the various levels of responsibility who are qualified, or who may become qualified through appropriate training or experience within a reasonable length of time. Affirmative Action requires imaginative, energetic, and career advancement opportunities which will result in increased representation of protected groups at all levels within the organization and within management.

The County Superintendent believes in equal opportunities for all persons without prejudice in regard to race, color, creed, sex, religion, ancestry, national origin, age over 40, pregnancy, actual or perceived sexual orientation, marital status, or non-job-related mental or physical disability or medical condition, as required by law. It is the policy of the County Office of Education not to discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question. The County Superintendent encourages the administration to give priority to the goal of recruiting, selecting, and employing qualified protected group members to the end that the County Office employees will proportionately mirror the labor force composition of this county.

The County Superintendent has established a separate policy statement on nondiscrimination (see Policy 4118.11).

An annual report from the County Office of Education will be presented in a public meeting of the County Board of Education concerning the extent to which the affirmative action goals are being achieved.

Legal Reference:	Education Code
44100-44105	Affirmative Action Employment
44830	Employment Restricted to Persons Possessing Prescribed Qualification; Public Policy of State Against Discrimination on Basis of Race, etc.
44830.5	Assignment of Certificated Employees to District; Strict Ethnic Ratio Forbidden Administrative Code, Title 5 30-31 Affirmative Action Employment Programs Title VI and VII, Civil Rights Act as Amended by Title IX, Equal Employment Opportunity Act Age Act, Equal Pay Act & Rehabilitation Act

Policy
adopted: November 3, 1982

Policy		
amended:	December 7, 1983	October 9, 1996
	June 25, 1986	May 14, 1997
	June 9, 1993	

Affirmative Action: Recruitment and Selection

The Director of Human Resources may prepare documents such as the following:

1. Materials for inservice workshops.
2. A tabulation of data regarding present staff composition with respect to race and sex for both professionals and nonprofessionals.
3. Data on staff turnover rates, expected retirement, opportunities for career advancement and projected staff needs.
4. An analysis of the community labor market for potential applicants for positions in the district.
5. A comparison of employment status with the demographic data on community labor market.
6. A timetable and list of goals for implementation of the Affirmative Action Plan.

The Director of Human Resources is also responsible for:

1. Establishing and maintaining healthy relationships with placement officers around the country who counsel and help place protected group members.
2. Maintaining a sound public relations program that welcomes protected group members as professional staff members.
3. Updating application forms to eliminate all discriminatory questions.

Evaluation and Monitoring of Affirmative Action Plan

Evaluation and monitoring of the Affirmative Action Plan will be accomplished on a continuing basis. The monitoring official will be the Director of Human Resources.

Administrators and supervisors with responsibility for hiring and promoting shall have, as part of their regular performance evaluation (or consideration for promotion), an assessment of their success in meeting the County Office's commitment to the Affirmative Action Plan.

Employment and Placement

Procedures relating to employment and placement will be periodically reviewed and amended as necessary to ensure non-discrimination.

Affirmative Action: Recruitment and Selection (Continued)

Administrator's and Supervisor's Roles in Equal Employment Opportunity: Interviewing and Hiring

This section provides guidelines to help in interviewing and selecting candidates for positions with the County Office of Education. Each guideline is followed by a brief explanation of the reasons certain actions or bases for decisions may be considered discriminatory. The most important factor in any hiring decision is that the applicant be able to do the job for which he/she is applying. What is required is the removal of artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classifications.

1. Educational Requirements

Guideline: An employer must be prepared to demonstrate why a job requires the employee to have a specified level of education.

Explanation: In geographic areas where there are significant differences in the average educational levels of minorities and non-minorities, the employer who requires a specified level of educational attainment for certain positions automatically eliminates from consideration a disproportionate percentage of minorities. Consequently, unless the employer can demonstrate why the educational requirement is needed, the Equal Employment Opportunity Commission (EEOC) is likely to find it unlawful. The EEOC and the courts will accept evidence from an employer that a specified level of education is necessary for satisfactory job performance or that there is a clear and close relationship between educational level and performance on the job.

2. Family Status: Pregnancy and Dependents

Guideline: Applicants should not be questioned by interviewing supervisors about their dependents, family plans or a condition of pregnancy.

Explanation: The Supreme Court has held that women with pre-school children must be hired on the same basis as men with small children unless the employer can show that this practice would seriously affect the operation. Employers may not presume that child care is the responsibility of the woman and that a working mother's reliability will be more affected by child care problems than a working father's.

Regarding pregnancies, the EEOC has held that any written or unwritten employment policy or practice which discriminates against applicants because of pregnancy is in violation of Title VII.

Affirmative Action: Recruitment and Selection (Continued)

3. Arrest and Conviction Records

Guideline: An employer may not automatically disqualify an applicant from employment consideration because the applicant has a police record.

Explanation: There is evidence that specific protected group members are arrested and convicted more frequently than non-protected group members. Therefore, to use an applicant's police record as a rigid standard of employment eligibility could automatically disqualify a disproportionate percentage of protected group members. For this reason, the EEOC, with court approval, considers such policies in violation of Title VII, unless an employer can demonstrate "business necessity" for retaining the policy. The EEOC suggests that employers handle the matter of an applicant's police record on a case-by-case basis, considering the type of charge, how long ago the incident occurred, the applicant's age at the time of the incident, whether the charge resulted in a conviction, and the applicant's subsequent behavior.

In the County Office of Education, authority to make this kind of determination rests with the Director of Human Resources. Prospective employees should not be questioned about police records except by authorized personnel representatives.

4. Accommodation to Religious Beliefs

Guideline: Supervisors are expected to make some accommodation to the religious needs of applicants when this will not have a serious effect on operations.

Explanation: Under Title VII, employers are obligated to make "reasonable accommodations to the religious needs" of their employees, where such accommodations do not force a serious hardship on the employer. The "religious need" of employees could include a required mode of dress, time off for Sabbath observance or inability to work on certain prescribed days for religious reasons.

5. Citizenship

Guideline: If the applicant is not a United States citizen, he/she must possess a permanent visa to be eligible for employment.

Explanation: The courts have held that it is not unlawful under Title VII for an employer to require U.S. citizenship as a condition of employment if the requirement is established for sufficient reason (e.g., security) and it is not intended to restrict the employment of minorities.

Affirmative Action: Recruitment and Selection (Continued)

However, the County Office of Education does, as a matter of employment policy, require U.S. citizenship or a permanent visa as a condition of employment.

6. Manner of Speaking

Guideline: It is unlawful to reject an applicant because of the applicant's foreign accent or lack of fluency in English unless either condition will unquestionably affect satisfactory job performance.

Explanation: The EEOC will find unlawful the rejection of an applicant because of his/her manner of speaking if the manner of speech is peculiar to the applicant's race or national origin. This guideline is applied most often when applicants speak with a foreign accent.

However, it also applies to applicants who have difficulty with English and to jobs for which fluency in English is a factor in satisfactory performance.

Legal Reference: Education Code
44100 - 44105 Affirmative Action Employment
44830 Employment Restricted to Persons Possessing
Prescribed Qualifications; Public Policy of State
Against Discrimination on Basis of Race, etc.
44830.5 Assignment of Certificated Employees to
District; Ethnic Ratio

California Administrative Code, Title 5
30-31 Affirmative Action Employment Programs

Title VI and VII, Civil Rights Act, as amended by Title IX,
Equal Employment Opportunity Act
Executive Order 11246
Equal Pay Act of 1963

Regulation
approved: December 7, 1983

Regulation
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May 14, 1997

Personnel - All Personnel

Legal Status Requirement

The County Superintendent shall hire only citizens and aliens who are lawfully authorized to work in the United States. Employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law.

Legal Reference United States Code, Title 8
 1324 (a)(b) Immigration Reform and Control Act of 1986 and
 Immigration Act of 1990

Code of Federal Regulations, Title 8
274(a) Control of Employment of Aliens

Regulation
approved: June 9, 1993

Regulation
amended: May 14, 1997

Personnel - All PersonnelAppointment and Conditions of Employment

The sole authority for the appointment of employees of the County Office of Education is vested in the County Superintendent. In the case of filling a management position, the County Board of Education will be informed of the final selection of an individual, including a transfer of a management employee.

Legal Reference: Education Code

- 1293 Power to contract with certificated personnel
- 1311 Employment of persons to positions not requiring certification qualifications
- 1312 Separation of county employees of County Superintendent of Schools

Policy
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Policy
amended: May 14, 1997