

300 PERSONNEL, continue

301 Employment

Except as expressly reserved in these policies and regulations, the selection of ESD personnel is delegated by the Board of Directors to the Superintendent, provided that the Board of Directors shall retain the authority to give final approval to all written contracts, including supplemental contracts, with employees of the ESD. RCW 28A.310.200(3); RCW 28A.310.220; RCW 28A.310.250.

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301 Employment, continued

R301.1 Recruitment

The Superintendent and/or his/her designee reserves the right to leave a vacated position vacant, assign the duties of a vacated position to other staff, combine vacated positions or otherwise modify positions in addition to opening positions and creating new positions.

When openings occur in existing positions or when new positions occur, upon the approval of the Superintendent, the notice of vacancy will be circulated internally and externally. Position openings advertised externally will be distributed to appropriate agencies including, but not limited to, college and university placement bureaus, State Employment Security Department, local newspapers, and other educational agencies.

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- 301 Employment, continued
- R301.2 Application Procedure
- R301.2a Applicants for any position of employment with the ESD shall file a written application with the Superintendent or his/her designee. This application becomes a part of the employee's personnel record if he/she is employed by the ESD.
- R301.2b Application forms for all positions may be obtained in the Human Resources Department.

R301.2a amended 1-20-77; 1-23-79; 3-26-91

R301.2b deleted 3-26-91

R301.2c amended 1-23-79; 3-29-88; renumbered R301.2b 3-26-91; amended 2-23-93

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R301.3 Selection Procedure

R301.3a As a general rule, an applicant for a position in the ESD will be recommended for a position only after being interviewed by the Superintendent and/or his/her designee. In evaluating candidates, the Superintendent may request assistance from the administrative head of the department in which the employee wishes to work or from any other staff member.

R301.3b The guiding factors in the selection of employees in the ESD shall include:

- 1) Character, loyalty, professional competencies, competence in human relationships and public relations.
- 2) Special abilities and skills.
- 3) Professional ethics.
- 4) Training and experience for the particular position.
- 5) Equal Opportunity and Affirmative Action

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R301.4 Letter of Employment

The Superintendent will send successful classified applicants a letter of employment.

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R301.5 Contracts - All Certificated Personnel

R301.5a All certificated employees will be issued a written contract by the Board of Directors.

R301.5b All certificated employees will be issued a supplemental contract by the Board of Directors for any service prior to performance of such service.  
RCW 28A.405.240

R301.5 amended 4-22-76

R301.5a amended 1-20-77; 3-26-91

R301.5b adopted 4-22-76; 3-26-91

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R301.6 Teaching Certificates -- All Certificated Personnel

R301.6a No contract with an employee referred to in R301.5 will be valid unless said employee has registered a valid certificate with the Superintendent. A valid certificate or acceptable evidence from the certifying agency that such is forthcoming, must be presented to the Administrator for Human Resources or his/her designee within thirty (30) days of the date the employee signs his/her contract or thirty (30) days of the first day of work, whichever is sooner. If such certificate or evidence is not presented, the contract shall be invalid and the employee may be terminated.

R301.6b It is the responsibility of the employee to ensure that proper documentation of certification has been provided to the Administrator for Human Resources or his/her designee.

Amended & renumbered R301.6a 1-23-79

R301.6a amended 3-29-88; consolidated with R301.6b (adopted 1-23-79; amended 3-29-88) 3-26-91; amended 2-23-93; amended 9-26-95

R301.6b - Adopted 3-26-91; amended 2-23-93; amended 9-26-95

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- R301.7 New Employees
- R301.7a Certificated (nonadministrative)
- R301.7a1 All certificated employees will be considered to be provisional employees during the first two years of employment with the ESD unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be a provisional employee during the first year of employment.  
RCW 28A.405.220
- R301.7a2 Provisional employees shall be subject to nonrenewal of their employment contract as provided in RCW 28A.405.220 during the first two years of employment with the ESD unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be a provisional employee during the first year of employment. Provisional employees shall not be subject to the probation provisions of RCW 28A.405.100 or these policies
- R301.7b Classified
- R301.7b1 All employment for classified employees will be for an initial probationary period of up to six (6) months.
- R301.7b2 Probationary employees shall be subject to termination at any time during the probationary period.
- R301.7b3 The probationary period may be extended for an additional period not to exceed ninety (90) days as recommended by the immediate supervisor and approved by the Administrator for Human Resources or his/her designee.

## **Amendments to R301.7**

R301.7 adopted 1-23-79; amended 8-28-90

R301.7a adopted 1-23-79; renumbered R301.7a1 2-22-83

R301.7a amended 8-28-90

R301.7a1 amended 1-24-84; 3-29-88; 8-28-90; 3-26-91; 5-29-07

R301.7a2 adopted 2-22-83; 8-28-90; 3-26-91

R301.7a2 amended 5-29-07

R301.7b adopted 1-23-79; renumbered R301.7b1 2-22-83

R301.7b1 amended 1-24-84; 3-21-89; combined with R301.7b2 and R301.7b3 3-26-91

R301.7b2 adopted 2-22-83; renumbered R301.7b4 1-24-84

R301.7b2 adopted 1-24-84; 3-21-89; combined with R301.7b1 and R301.7b3 3-26-91

R301.7b3 adopted 2-22-83; renumbered R301.7b5 1-24-84

R301.7b3 adopted 1-24-84; combined with R301.7b1 and R301.7b2 3-26-91

R301.7b3 amended 2-23-93; amended 9-26-95

R301.7b4 renumbered R301.7b2 3-26-91

R301.7b5 renumbered R301.7b3 3-26-91

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R301.8 Relatives

R301.8a The ESD will not discriminate against employees or potential employees because of:

- 1) what a person's marital status is,
- 2) who his/her spouse or family members are, or
- 3) what the spouse or family members do,

except in instances where there is a "compelling and essential need to avoid business-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor." WAC 162-16-150(2)

Examples of exceptions include the following:

- 1) "Where one spouse would have the authority or practical power to supervise, appoint, remove, or discipline the other;" WAC 162-16-150(3)(b)(i)
- 2) "Where one spouse would be responsible for auditing the work of the other;" WAC 162-16-150(3)(b)(ii)
- 3) "Where other circumstances exist which would place the spouses in a situation of actual or reasonably foreseeable conflict between the employer's interest and their own;" WAC 162-16-150(3)(b)(iii)
- 4) "Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the employer must limit the employment of close relatives of policy level officers of customers, competitors, regulatory agencies, or others with whom the employer deals." WAC 162-16-150(3)(b)(iv)

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301 Employment, continued

R301.8 Relatives, continued

R301.8b In the event of the possibility of an employee being transferred, reassigned or promoted into a position falling into one or more of the exception categories listed above, every effort will be made to transfer or reassign the spouse or family member and thus maintain employment. If such transfer or reassignment is not possible, as determined by the Superintendent, the related employees involved will be required to decide, within thirty (30) calendar days of falling into one or more of the exception categories listed above, which one will continue in ESD employment and which one will resign.

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R301.9 Hiring Retirees

On occasion the ESD may find it in the best interest of the organization to employ persons retired from the Teachers' Retirement System, (TRS), the School Employees' Retirement System (SERS) or the Public Employees' Retirement System (PERS).

R301.9a Limitations

A retired employee shall only be hired pursuant to the conditions and limitations set forth in RCW Chapter 41, WAC Chapter 415, and all applicable ESD policies and procedures.

There shall be no prearranged employment agreement or commitment to rehire an employee after retirement. Mere inquiries about post-retirement employment do not constitute an agreement.

R301.9b Hiring Process

The ESD shall abide by the following rules when considering a retiree for employment into a regular ESD position. These rules do not apply to temporary or substitute employment:

- 1) The Board of Directions will establish a justifiable need and approve any vacancy for which retired applicants may be considered.
- 2) The position will be posted internally and externally and applicant(s) will be evaluated consistent with the established ESD recruitment and selection process.
- 3) The Superintendent will recommend a retiree rehire to the Board for its approval.
- 4) For contract positions, employment shall be limited to a maximum of a one-year, non-continuing appointment.
- 5) The retiree will receive the same terms and conditions of employment as other appointees or employees in comparable positions except for conditions and limitations established by Department of Retirement Systems.

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R301.10 Acceptable Driving Record

R301.10a All employees who could at any time during their employment be required to drive during the course of their work must have an acceptable driving record.

A driving record is acceptable if the ESD's insurance company agrees to insure the driver.

R301.10b If an employee's driving record is such that the insurance company charges an amount in addition to the premium for regular coverage, the employee

1) will be individually responsible to reimburse the ESD the difference between the regular premium and the additional premium charged, or

2) may elect to use a privately-owned vehicle and will not be eligible for reimbursement of mileage expenses.

R301.10c Driving personnel, including school bus and delivery service drivers and any other personnel whose primary responsibility is operation of a motor vehicle shall furnish or sign a waiver allowing the ESD to obtain from the Department of Licensing a five (5) year abstract of his/her employment and nonemployment driving record at the time of employment and annually or as otherwise required by the ESD thereafter.

1-22-81 – Adopted R301.9

2-26-85 – Adopted R301.9c

9-25-07 – R301.9 through R301.9c renumbered R301.10 through R301.10c;  
Adopted R301.9, R301.9a, R301.9b

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R301.11 Certification of School Bus Drivers

It shall be the responsibility of employees whose assignment includes responsibility for operation of a school bus to meet and continue to meet the requirements set forth in chapter 180-20 WAC as now or hereafter amended.

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R301.12 Employees Transporting Students

ESD employees and volunteers who transport students are required to provide the following:

- 1) A current driver's record abstract annually
- 2) Evidence of completing a driver safety training course

R301.12a Documentation of the requirements listed in R301.11 shall be submitted to the Human Resources Department upon hire and updated annually thereafter.

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R301.13 Background Checks

Employment in positions requiring unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults will be conditional upon the receipt of a satisfactory report from the Washington State Patrol and Federal Bureau of Investigation.

For the purpose of this regulation, unsupervised means not in the presence of another employee or volunteer.

R301.13a Employees:

All ESD employees and employees of ESD contractors are required to complete a records check through the Washington State Patrol criminal identification system. If during the course of their employment or involvement with the agency, they will have regularly scheduled unsupervised access to children under sixteen (16) years of age, developmentally disabled persons, or vulnerable adults, employees must also submit to a records check through the Federal Bureau of Investigation.

R301.13a1

All prospective employees, certificated and classified, are required to complete and sign a Washington state Sexual Misconduct Disclosure Release Form. This disclosure form allows previous district employers to disclose any investigative materials or findings related to sexual misconduct. Failure to sign the form will render the prospective employees ineligible for ESD 112 employment per RCW 28A-400.

R301.13b

Volunteers:

All prospective ESD volunteers are required to complete a records check through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation if, during the course of their involvement with the agency, they will have regularly unsupervised contact with:

- 1) five or fewer children under twelve (12) years of age,
- 2) three or fewer children between twelve (12) and sixteen (16) years of age,
- 3) developmentally disabled persons or vulnerable adults.

2-24-98 – Adopted R301.12

7-27-04 – Adopted R301.12a1

2-22-05 – Amended R301.12a

9-25-07 – R301.12 renumbered R301.13; R301.12a renumbered R301.13a; R301.12a1 renumbered R301.13a1; R301.12b renumbered R301.13b

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- 301 Employment, continued
- R301.13 Background Checks, continued
- R301.13c The records check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card.
- R301.13d Volunteers who do not have regularly unsupervised access to children may be required to complete a name and birth date records check with the Washington State Patrol.
- R301.13e A prospective employee or volunteer must have been offered a position before a criminal records check is initiated.
- R301.13f All applicants for employment and prospective volunteers shall be notified of the records check requirement.
- R301.13g Applicants for employment shall be required to disclose to the ESD whether they have been convicted of any of the crimes listed at RCW 43.43.830 or found in a civil adjudication to have abused any minor or developmentally disabled person as described in RCW 43.43.834(2).
- R301.13h The fingerprint process should be initiated prior to commencing employment. Continued employment or service as a volunteer will be conditional pending the outcome of the background check.

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R301.14 Protection of Fingerprint Records Information

Educational Service District 112 will protect the confidentiality of fingerprint records information.

R301.14a Access to the Superintendent of Public Instruction's records check data base shall be limited to authorized Human Resources Department staff.

1) Access to the data base will be controlled by a confidential password issued by the Superintendent of Public Instruction.

R301.14b Fingerprint records information shall not be disseminated to any organization or individual by ESD 112.

1) Requests for fingerprint information will be referred to the Office of the Superintendent of Public Instruction.

R301.14c All records check information, including RAP (Report of Arrests & Prosecutions) sheets, shall be maintained in a locked cabinet, separate from personnel records, in order to protect the confidentiality of all agency employees or applicants.

1) Access to records check information shall be limited to authorized Human Resources Department staff processing or requiring fingerprint records information to make employment decisions.

Reference: WAC 392-300-045 through 392-300-060