

## **General Personnel**

### **Hiring Process and Criteria**

The Cooperative hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Governing Board policy on equal employment opportunity and minority recruitment. The Executive Director is responsible for recruiting personnel and making hiring recommendations to the Operational Board. If the Executive Director's recommendation is rejected, the Executive Director must submit another. The Executive Director may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval. No individual will be employed who has been convicted of a criminal offense listed in 105 ILCS 5/21B-80(c).

All applicants must complete a Cooperative application in order to be considered for employment.

### **Job Descriptions**

The Board maintains the Executive Director's job description and directs, through policy, the Executive Director in his or her charge of the Cooperative's administration.

The Executive Director shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

### **Investigations**

The Executive Director or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law. When the applicant is a successful executive director candidate who has been offered employment by the Board, the Operational Board Chairperson shall ensure that these checks are completed. The Executive Director or designee, or if the applicant is a successful executive director candidate, then the Operational Board Chairperson shall notify an applicant if the applicant is identified in either database. The School Code requires the Operational Board Chairperson to keep a conviction record confidential and share it only with the Executive Director, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the Ill. Dept. of State Police and/or Statewide Sex Offender Database for purposes of clarifying the information and/or the Teachers' Retirement System of the State of Illinois when required by law. The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

Each newly hired employee must complete a U.S. Citizenship and Immigration Services Form as required by federal law.

The Cooperative retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in 105 ILCS 5/21B-80 or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child

has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any Cooperative employee, then the Board must consider that person's status as a condition of employment.

The Executive Director shall ensure that the Cooperative does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The Cooperative uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The Cooperative does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria.
3. The Cooperative does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.
4. The Cooperative does not request or require an applicant to disclose wage or salary history as a condition of employment.
5. The Cooperative does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation.
6. The Cooperative does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
7. The Cooperative does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts.
8. The Cooperative provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

#### Sexual Misconduct Related Employment History Review (EHR)

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Executive Director shall ensure that an EHR is performed as required by State law. When the applicant is the Executive Director candidate, the Board Chairperson shall ensure that the EHR is initiated before a successful Executive Director candidate is offered employment by the Board.

#### Physical Examinations

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the Cooperative.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The Governing Board will pay the expenses of any such examination.

### Orientation Program

The Cooperative's staff will provide an orientation program for new employees to acquaint them with the Cooperative's policies and procedures, and the responsibilities of their position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.:       42 U.S.C. §12112, Americans with Disabilities Act; 29 C.F.R. Part 1630.  
                      15 U.S.C. § 1681 et seq., Fair Credit Reporting Act.  
                      8 U.S.C. §1324a et seq., Immigration Reform and Control Act.  
                      105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22/34b,  
                      5/21B-10, 5/21B-80, 5/21B-85, 5/10-22.34, 5/10-22.34b, 5/22-6.5, 5/22-94, and  
                      5/24-5.  
                      20 ILCS 2630/3.3, Criminal Identification Act.  
                      820 ILCS 55/, Right to Privacy in the Workplace Act.  
                      820 ILCS 70/, Employee Credit Privacy Act.

Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1<sup>st</sup> Dist. 1985), *aff'd in part and remanded* 115 Ill.2d 482 (Ill. 1987).

Kaiser v. Dixon, 127 Ill. App. 3d 251 (2<sup>nd</sup> Dist. 1984).

Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1<sup>st</sup> Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Executive Director), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 5:40 (Communicable and Chronic Infectious Disease), 5:125 (Personal Technology and Social Media: Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support Personnel - Duties and Qualifications)

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