

Human Resources - Regular School Board Meeting

Duluth Public Schools, ISD 709

Agenda

Tuesday, March 19, 2019

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

6:30 PM

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| 1. Staffing Report Action Items | 3 |
| 2. Other HR Action Items | |
| A. <u>New Policy 404 - Employment Background Checks - Definitely Postponed until the April 2019 Board Meeting</u> | <u>4</u> |
| Attached is the edited MSBA Model Policy 404 - Employment Background Checks for the second reading. This policy would replace the current Policy 4042, and 4042R. | |
| <u>Recommendation:</u> It is recommended that the Duluth School Board approve Policy 404 - second reading. | |
| B. <u>New Regulation 404F - Employment Background Checks - Definitely Postponed until the April 2019 Board Meeting</u> | <u>7</u> |
| New Regulation 404F is replacing 4042R. This is informational for the Board, no action needed. | |
| C. <u>Delete Policy 4042 - Employment Background Checks - Definitely Postponed until the April 2019 Board Meeting</u> | <u>8</u> |
| In moving to MSBA Model Policies, administration is recommending the deletion of Policy 4042 which will be replaced with MSBA Policy 404 - second reading. | |
| <u>Recommendation:</u> It is recommended that the Duluth School Board approve the deletion of Policy 4042 - second reading. | |
| D. <u>Delete Regulation 4042R - Employment Background Checks - Definitely Postponed until the April 2019 Board Meeting</u> | <u>9</u> |
| With the move to MSBA Model Policy 404, Regulation 4042R is being deleted. This is informational for the Board, no action needed. | |
| E. <u>New Policy 407 - Employee Right to Know - Exposure to Hazardous Substances</u> | <u>10</u> |
| Attached is the edited MSBA Model Policy 407 - Employee Right to Know - Exposure to Hazardous Substances for the first reading. This policy would replace the current Policy 4041. | |
| <u>Recommendation:</u> It is recommended that the Duluth School Board approve Policy 407 - first reading. | |
| F. <u>Delete Policy 4041 - Employee Right-to Know Program</u> | <u>12</u> |
| In moving to MSBA Model Policies, administration is recommending the deletion of Policy 4041 which will be replaced with MSBA Policy 407 - first reading. | |

Recommendation: It is recommended that the Duluth School Board approve the deletion of Policy 4041 - first reading.

3. HR Informational Items

- A. Upcoming District Retirements and Displacements
- B. Nepotism Discussion

4. Other HR Future Items

- A. There are no other HR Future Items at this time.

HUMAN RESOURCES ACTION ITEMS FOR: 3/19/2019

<u>CERT APPOINTMENT</u>	<u>POSITION/LOCATION/CLASS&STEP/REPLACING</u>	<u>EFFECTIVE DATES</u>	
HOPPE, ASHLEY Total: 1	SPEC ED/CHESTER CREEK, III+15 4, S NORMAN, TEMP POS	02/25/19	06/07/19
<u>CERT LONG TERM SUB</u>	<u>POSITION/LOCATION/CLASS & STEP/REPLACING</u>	<u>EFFECTIVE DATES</u>	
BERGER, TRISH WYMAN-ANDERSON, AUSTIN Total: 2	ELEM INTERVENTIONIST/MACARTHUR, IV 3, D LARSEN ENGLISH/EAST, III 2, J ZOBEL	02/27/19 02/04/19	06/07/19 06/07/19
<u>CERT TEMP INCREASE</u>	<u>POSITION/LOCATION/CONDITION</u>	<u>EFFECTIVE DATES</u>	
AHERN, JENNIFER FRANCKOWIAK, KIMBERLY Total: 2	MATH/AEO, 1/6 OVERLOAD, CLASS SIZE SOCIAL STUDIES/AEO, 1/6 OVERLOAD, CLASS SIZE	01/22/19 01/22/19	06/07/19 06/07/19
<u>CERT RESIGNATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>	
PURSI, MATTHEW Total: 1	ENGLISH/DENFELD	03/18/19	
<u>NONCERT APPOINTMENT</u>	<u>POSITION/LOCATION/WEEKS/RATE OF PAY/REASON</u>	<u>EFFECTIVE DATES</u>	
LARSON, ANDREW POPE-SEARS, BRITTANY SMONIEWSKI, KLEIGHTON WANG, JIYAO Total: 4	CERT LIFEGUARD PARA/ORDEAN EAST, 30/38WKS, \$14.88/HR, B KRAFTHEFER SUPV PARA/EAST, 23.5/38WKS, \$14.88/HR, B KALLEVIG, TEMP POS SPEC ED PARA/BW/LINCOLN PARK, 32.5/38WKS, \$15.76/HR, B MARPLE, TEMP POS SPEC ED PARA/BW/PIEDMONT, 14/38WKS, \$15.76/HR, TEMP POS	02/12/19 01/18/19 02/11/19 02/25/19	06/07/19 06/07/19 06/07/19 06/07/19
<u>NONCERT LEAVES</u>	<u>POSITION/LOCATION/TYPE OF LEAVE</u>	<u>EFFECTIVE DATES</u>	
AUTIO, LIZABETH AUTIO, LIZABETH PAPPAS, HEATHER PAPPAS, HEATHER SERRA-WIBERG, PATRICIA Total: 5	CAFETERIA HELPER/ ORDEAN EAST, A" PERSONAL LWOP" CAFETERIA HELPER/ORDEAN EAST, A" PERSONAL LWOP" BUS DRIVER II/TRANSPORTATION, A" MEDICAL LWOP" BUS DRIVER II/TRANSPORTATION, A" MEDICAL LWOP DATE TBD" INSTR PARA/PRESCHOOL/PIEDMONT, A" MEDICAL LWOP DATE TBD"	04/03/19 04/15/19 01/24/19 02/04/19 01/31/19	04/05/19 04/17/19 01/31/19
<u>NONCERT LONG TERM SUB</u>	<u>POSITION/LOCATION/WEEKS/RATE OF PAY/REASON</u>	<u>EFFECTIVE DATES</u>	
OLSON, HEIDI Total: 1	FOOD SERVICE HELPER/DENFELD, 18.75/38WKS, \$11.32/HR	01/14/19 06/07/19	
<u>NONCERT RESIGNATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>	
ENGSTROM, HOLLY Total: 1	CAFETERIA HELPER/DW, PRESUMED RESIGNED	02/11/19	
<u>NONCERT RETIREMENT</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>	
MISIEWICZ, RICHARD Total: 1	SCHOOL BUS DRIVER II/TRANSPORTATION	03/01/19	
<u>NONCERT TERMINATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>	
SHOCKLEY, DENISE Total: 1	SCHOOL BUS DRIVER II, TRANSPORTATION	01/09/19	

404 EMPLOYMENT BACKGROUND CHECKS

~~*[Note: The provisions of this policy substantially reflect statutory requirements.]*~~

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

~~**[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]**~~

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 3. the individual executes a written consent form giving the school district access to the results of the check; and
 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or

provision of services to, the school district. Such individuals must provide an executed criminal history consent form.

- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. ~~**A form notice for this purpose is included with this policy.**~~

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is included with this policy.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)
 Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)
 Minn. Stat. § 123B.03 (Background Check)
 Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background Check Act)
 Minn. Stat. § 364.09(b) (Exception for School Districts)

Cross References:

New:
 Replacing: Policy 4042, and 4042R
 First Reading: 02-26-19
 Second Reading: 03-19-19

Authorization Form
 Minnesota Bureau of Criminal Apprehension (BCA)
 Criminal Background Check
 Independent School District 709, Duluth Public Schools
 215 N. 1st Ave East
 Duluth, MN, 55802
 218-336-8700

Date: _____

The following named individual has made application with this Independent School District #709 for employment or provision of athletic coaching services or other extracurricular academic coaching services.

Full Name of Individual: _____
 (Please print) Last First Middle

Maiden, Previous, Alias: _____

Address: _____
 Street City State Zip

Date of Birth: _____ Sex (M or F): _____
 Month/Day/Year

I authorize the Minnesota Bureau of Criminal Apprehension to disclose all criminal history record information to, Independent School District #709 pursuant to Minn. Stat. § 123B.03 for the purpose of employment as _____ with this School District.

CONDITIONAL HIRING: I understand that the School District may permit me to commence my employment duties or provide athletic coaching services or other extracurricular academic coaching services pending completion of the criminal history background check and acknowledge and agree that my employment or services may be terminated based on the result of the background check.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature.

I authorize the Independent School District #709, to deduct a mandatory non-refundable \$20.00 processing fee for my criminal background check.

I understand that I will **only** be notified if the result of my background check indicates a record has been found.

Signature

Date

~~4042—EMPLOYMENT BACKGROUND CHECKS~~

- ~~1. The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district or such other background checks as provided by this policy. The school district may also elect to do background checks of volunteers in the school district.~~
- ~~2. The school district shall require that applicants for school district positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the applicant from employment with the school district.~~
- ~~3. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.~~
- ~~4. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use background information concerning employees, applicants and volunteers.~~

Adopted: ~~01-23-1996 ISD 709~~

4042R EMPLOYMENT BACKGROUND CHECKS

- A. ~~Normally an individual will not commence employment until the school district receives the results of the criminal history background check. The school district may conditionally hire an individual pending completion of the background check, but shall notify the individual that the individual's employment may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (hereinafter "the BCA"). The school district reserves the right to also have criminal history back ground checks conducted by other organizations or agencies.~~

- B. ~~An individual who is offered employment must sign a criminal history consent form which provides permission for the school district to conduct a criminal history background check. If the individual fails to provide the school district with a signed Informed Consent Form at the time the individual receives a job offer, the individual will be considered to have voluntarily withdrawn the application for employment.~~

- C. ~~When required, candidates must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the candidate are unusable, the candidate will be required to submit another set of prints.~~

- D. ~~Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.~~

- E. ~~The applicant will be informed of the results of the criminal background check(s) to the extent required by law.~~

- F. ~~If the criminal history background check precludes employment with the school district, the individual will be so advised.~~

- G. ~~The school district may apply these procedures to volunteers as though they were applicants for employment.~~

Criminal History Consent Form

~~A form to obtain consent for a criminal history background check is included with this regulation.~~

Legal References:

~~Minn. Stat. 13.04, Subd. 4 (Inaccurate or incomplete data)~~

~~Minn. Stat. 120.1045 (Background checks)~~

~~Minn. Stat. 299C.60-299C.64 (Minnesota Child Protection Background Check Act)~~

~~Minn. Stat. 364.09(b) (Exception for School Districts)~~

~~Adopted: 01-23-1996 ISD 709~~

407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES

~~*[Note: School districts are not required by statute to have a policy addressing these issues. However, the provisions of this policy accurately reflect the requirements of Minn. Stat. § 182.653.]*~~

I. PURPOSE

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Stat. § 182.653, Subd. 2)

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to provide information and training to employees who may be "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

III. DEFINITIONS

- A. "Commissioner" means the Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
 - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
 - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
 - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.

- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
- F. "Blood borne pathogen" means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

Annual training will be provided to all full- and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

V. TRAINING SCHEDULE

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

Legal References: Minn. Stat. Ch. 182 (Occupational Safety and Health)
 Minn. Rules Ch. 5205 (Safety and Health Standards)
 Minn. Rules Ch. 5206 (Employee Right to Know Standards)
 29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

Cross References: MSBA/MASA Model Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)
 MSBA/MASA Model Policy 807 (Health and Safety Policy)

New:

Replacing: Policy 4041

First Reading: 03-19-19

~~4041—Employee Right to Know Program~~

~~The School District is committed to protecting its Human and Community Resources and Relations by assuring that:~~

- ~~1. The work environment is free from recognized hazards that could cause injury, illness, or death.~~
- ~~2. Safety and health factors have priority when in competition with economic factors.~~
- ~~3. Professional expertise is obtained or on staff to maintain and support the safety and health programs of the School District.~~
- ~~4. Each employee is trained and educated in safety procedures and performs work in compliance with these safety measures.~~
- ~~5. The work environment is monitored on a regular basis to assure a safe and healthy work place.~~
- ~~6. Each employee assumes personal responsibility for the development and support of a safe work place.~~

~~Adopted: 09-08-92 ISD 709~~

~~Revised: 06-20-95 ISD 709~~