

KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE**PERSONNEL****CONDITIONS OF EMPLOYMENT**

The following are conditions of employment with the Kern County Superintendent of Schools Office:

FINGERPRINT CLEARANCE

Fingerprint clearance through the Department of Justice (DOJ) is required prior to the first date of employment for certificated personnel. Fingerprint clearance through the Federal Bureau of Investigation (FBI) is required prior to the first date of employment for classified personnel. The Kern County Superintendent of Schools Office shall be the requesting agency for such clearance. Fingerprint clearances processed will be subject to subsequent arrest notification. The cost of obtaining the fingerprint clearance shall be the responsibility of the applicant. The inability to obtain fingerprint clearance from the DOJ and/or FBI, as required, within a reasonable amount of time may result in the withdrawal of a job offer.

APPROPRIATE CREDENTIAL

Certificated personnel shall register with the Kern County Superintendent of Schools Office, the credential/documents authorizing them to serve in the position for which they were employed prior to their first date of service.

It is the sole responsibility of every certificated employee to maintain valid documentation on file with the Kern County Superintendent of Schools Office for the position in which the employee is serving. No salary payment shall be made to any person employed in a certificated capacity unless the employee is the holder of the proper credential/documents filed with the office.

HEALTH EXAMINATIONS**Tuberculosis Test**

No applicant shall be initially employed in a classified or certificated position unless he/she has submitted to an intradermal or other tuberculin test licensed by the Food and Drug Administration within the past 60 days and, if that test was positive, has subsequently obtained an X-ray of the lungs. The applicant shall submit to the office, a certificate signed by the examining licensed physician indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503.)

The cost of the pre-employment tuberculosis examination shall be paid by the applicant.

An applicant who was previously employed in another California school district may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous school district employer verify that it has on file a certificate which contains that evidence. (Education Code 49406.)

Once hired by the Kern County Superintendent of Schools Office, employees who test negative on the initial intradermal or other tuberculin test shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the office upon recommendation of the county health officer, for as long as the employee's test remains negative. An employee with a documented positive test for tuberculosis infection shall no longer be required to submit to the examination and shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406.)

Tuberculosis tests for employees shall be provided by the office or at the office expense as long as the employee obtains the examination from the designated facility prior to the established expiration date. (Education Code 44839, 45122, 49406.)

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge or belief he/she is free from active tuberculosis. In order to exempt the individual, the office shall determine by resolution, after a hearing, that the health of students would not be jeopardized. (Education Code 49406.)

Medical Certification for Communicable Diseases for Certificated Employees

When a new employee in a position requiring certification has not previously been employed in such a position in California or a retirant has not previously been employed as a retirant, he/she shall have a medical certificate on file with the office stating that he/she is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate shall be completed by a licensed physician and returned to the office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839, 44839.5, 5 CCR 5503.)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44839, 44839.5.)

The office may require a certificated employee or retirant to undergo a periodic medical examination by a physician to determine that the employee is free from any communicable disease making him/her unfit to instruct or associate with children. This

periodic medical examination shall be at the office expense. (Education Code 44839, 44839.5.)

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the office has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the office shall follow the process specified in Education Code 44942 and the office's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

Legal Reference:

EDUCATION CODE:

44066 Limitation on certification requirements
 44250-44277 Credential types
 44839 Medical certificate; periodic medical examination
 44839.5 Requirements for employment of retirant
 44330 Effect of registration of certification document
 44932 Grounds for dismissal of permanent employee
 44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave
 45122 Physical examinations
 49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5:

5502 filing of notice of physical examination for employment of retired persons
 5503 Physical examination for employment of retired persons
 5504 Medical certification procedures

COURT DECISIONS:

Raven v. Oakland Unified School District (1989) 213 Cal.App.3d 1347

Management Resources:

WEB SITES:

California Department of Public Health: <http://www.cdph.ca.gov>
 Centers for Disease Control and Prevention: <http://www.cdc.gov>
 Public Health Institute: <http://www.phi.org>
 U.S. Food and Drug Administration: <http://www.fda.gov>