

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 304

Section: Employees

Title: Employment of
District Staff

Adopted: April 27, 1981

Revised: March 28,
2019

304 Employment of District Staff

Purpose

The Board of Education places substantial responsibility for the effective management and operation of district schools and the quality of the educational program with its professional employees, as defined in the School Code, for administrative and support employees.[\[1\]](#)

In its dedication to excellence in education, the Board is committed to the employment of staff who best meet the qualifications and requirements of the position. Substitutes with the required level of skills and competencies shall be employed by the district in order to provide continuity in the educational programs, operations and services of the schools. The substitute positions that the district employs shall be determined by the business needs of schools.

Definitions

For the purposes of this policy, the terms below are defined as follows:

District staff includes all full- and part-time employees, including temporary employees.

Substitutes are individuals who are hired by the district for a finite period of time in a district staff member's absence.

Authority

By a majority vote of all members, the Board shall approve the employment and set the compensation for each administrative, professional and support employee. The District shall take all reasonable measures to attract and maintain excellent and diverse candidates for all positions. Upon recommendation of the Superintendent the Board shall appoint and fix the compensation

of Chiefs, Assistant Superintendents, Deputies, Deputy Chiefs, Deputy Superintendents, Associate Superintendents, Assistant Superintendents, Regional Superintendents, and director of departments responsible directly to the Superintendent or to any deputy superintendent, and such personal assistants as the Superintendent deems consistent with the educational needs of the District.[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

Delegation of Authority

The Superintendent is authorized to delegate the development of administrative procedures for recruiting, screening, testing, evaluating, and recommending candidates for employment, in accordance with Board policy and federal, state and municipal laws and regulations.[\[20\]](#)

Mandatory Regulatory Procedures

Appointments of personnel shall be made on merit without regard to race, creed, color, national origin, sex, sexual orientation, marital status or membership in an employee organization.

Authorized appointments to positions subject to a collective bargaining agreement, or subject to mandated procedures, shall be considered and made consistent with such requirements.

No District staff shall be required to reside within the City of Philadelphia as a condition of appointment or continued employment.[\[5\]](#)

No candidate shall be employed who is related to any member of the Board unless such employee receives the affirmative vote of a majority of all members of the Board other than the member related to the applicant, who shall not vote. No employee shall be supervised directly or indirectly by a relative, without explicit disclosure to the Board and the approval of a majority of the members of the Board. For purposes of this policy, relative shall be defined as father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, or aunt.[\[10\]](#)

The Board authorizes the limited use of administrative, professional and support employees prior to Board approval when circumstances make it necessary to maintain the continuity of the educational program and services relating to instruction, safety, legal compliance, or school operations. Ratifications and any offers of employment or employment letters made through this limited exception without approval by the Board shall state clearly that continued employment is subject to Board approval. Retroactive employment shall be recommended to the Board at the next regular meeting.

The Superintendent or designee shall apply necessary screening procedures to determine a candidate's ability to perform the job functions of the position for which a candidate is being considered. The district shall use the standard application for professional and support positions.

The district may establish and implement additional application requirements for administrative and professional employees.[11]

The Superintendent or his/her designees may seek recommendations from former employers and others to assess the candidate's qualifications. Recommendations and references shall be retained confidentially and for official use only.

An employee's omission or misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

Pre-Employment Requirements

A candidate for employment in the district shall not receive a recommendation for employment without evidence of his/her certification when such certification is required.[12][13][14][15]

The district may apply for Emergency Permits for permanent or temporary openings for professional employees if the district is unable to locate a fully qualified individual who holds a valid and active certificate. The District makes Emergency Permit applications to the Pennsylvania Department of Education pursuant to its published regulations and guidance.

Individuals so employed under an Emergency Permit must enroll in the appropriate professional certification program and successfully meet requirements to obtain an Emergency Permit each school year in which they are employed until they receive a valid teaching certificate from the Commonwealth of Pennsylvania. [17]

The Board may employ senior management administrative employees who do not hold an appropriate state certification for one year if the Board has approved the qualifications of the candidate at an established salary[3]. Individuals so employed must successfully meet requirements to obtain valid certification from the Commonwealth of Pennsylvania during the one year period. [17]

If the Superintendent and Board determine that the supply of certified teachers is inadequate to meet the educational needs of the district's student population or would cause the interruption of suitable and essential programs of instruction for students, the district may hire otherwise qualified persons without current teaching certificates who will obtain a valid teaching certificate from the Commonwealth of Pennsylvania and who will have completed at least a bachelor's degree prior to commencement of employment. Such persons must present a letter from the institution in which they are enrolled verifying their program completion and upcoming degree conferral at that institution. [13]

The District shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate. Failure to accurately report required information

shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[\[17\]](#)

A candidate shall not be employed or otherwise be placed in a school until s/he has complied with the mandatory background check and other pre-employment clearance requirements and the District has evaluated the results of that screening process. These requirements include background checks of criminal history and child abuse as well as completion of FBI fingerprinting, Act 126 and Act 168 clearance requirements. In addition, some positions require Act 71 clearance, completion of CPR/AED first aid training and/or substance abuse testing. Physical examinations that include a tuberculosis test are mandatory for all employees prior to employment. Background checks and clearances are detailed in the administrative procedures for this policy. In order to ensure that district operations continue without interruption, the Superintendent or designee may make a determination that a thirty (30) day waiver of this requirement may be issued on a case-by-case basis, in accordance with law and prescribed procedures. Job offers made with a thirty (30) day waiver are contingent offers pending receipt of acceptable clearances.[\[18\]](#)[\[19\]](#)

All employees, regardless of position, must be fingerprinted and photographed for identification purposes. All information shall be kept confidential. The identification card shall serve to admit employees to the various buildings in the course of their duty assignments.

The District may not consider candidates with certain criminal convictions for employment.[\[18\]](#) Under limited circumstances, when the nature of a particular offense does not raise any concerns that the candidate poses a danger specifically to school students or is otherwise unsuitable for school employment a designee from the Office of Labor Relations may undertake a case-by-case due diligence investigation of the facts surrounding the offense.

Each candidate shall report, on the designated form, arrests and convictions of crimes. Candidates shall likewise report arrests and convictions of crimes that occur subsequent to initially submitting the form. Failure to accurately report such occurrences may subject the individual to disciplinary action, up to and including denial of employment, termination if already hired, and/or criminal prosecution.[\[18\]](#) [\[19\]](#)

Compensation

Employee compensation is determined by the terms of the applicable collective bargaining agreement for represented employees, and by the Office of Classification and Compensation for non-represented employees. Substitutes shall be paid on a per diem basis or as required by an

applicable collective bargaining agreement.

Job specifications for all positions will include experience and education qualifications as well as certification requirements per state and federal laws and regulations. The recruitment team in the Department of Talent will review applicants' qualifications to ensure that they meet such certification requirements in the first stage of the selection process.

The Superintendent or designee shall report annually to the Board all assignments, including job titles and salaries, of employees made during the school year, all appointments exempt from Board policies, and on any subjects as the Board may deem necessary and proper.[\[22\]](#)

Each certificated administrative and professional employee employed by the district shall be responsible for maintaining a valid certificate when such certificate is required by law.[\[12\]](#)[\[13\]](#)[\[15\]](#)

Exemptions

This policy exempts the following, unless application of the policy provision is required by federal, state or municipal laws and regulations:[\[25\]](#)

1. Persons employed by contract to perform special services for the district where the Superintendent certifies that such services cannot be performed at the same level by district employees, or would be more cost-effective and not prohibited by law.
2. Persons temporarily appointed or designated to make or conduct a special inquiry or study, or to perform a special service of a unique character which cannot or should not be performed by district employees.
3. In addition, The Superintendent, with Board approval, may exempt no more than five percent (5%) of district professional employees.

Legal References:

1. 24 P.S. 1101
2. 24 P.S. 406
3. 24 P.S. 696
4. 24 P.S. 1089
5. 24 P.S. 1106
6. 24 P.S. 1107
7. 24 P.S. 1142-1152
8. 22 PA Code 4.4
9. Pol. 328 - Compensation Plans/Salary Schedules
10. 24 P.S. 1111
11. [24 P.S. 1204.1](#)

12. 24 P.S. 1109
13. 24 P.S. 1201
14. 24 P.S. 2070.2
15. 22 PA Code 49.1 et seq
16. 24 P.S. 1109.1
17. 24 P.S. 111.1
18. 24 P.S. 111
19. 23 Pa. C.S.A. 6344
20. Pol. 104 - Nondiscrimination in Employment Practices
21. 42 U.S.C. 12112
22. Philadelphia Home Rule Charter - 12-401
23. 22 PA Code 14.105
24. Pol. 113 - Special Education
25. Philadelphia Home Rule Charter - 12-308
26. 42 U.S.C. 9837
27. 45 CFR 1301.31
28. 45 CFR 1304.50
29. 22 PA Code 49.31

Related Information:

24 P.S. 108
24 P.S. 1109.2
22 PA Code
8.1 et seq 22
PA Code 403.2
22 PA Code 403.4
22 PA Code 403.5
18 Pa. C.S.A. 9125
23 Pa. C.S.A. 6301 et seq
42 U.S.C. 12101 et seq
Pol. 317 - Conduct/Disciplinary Procedures
Johnson v. Allegheny Intermediate Unit, 59 A.3d 10, 2012 Pa. Commw. LEXIS 329,
2012 WL 6200630 (Pa. Commw. Ct. 2012); *Jones v. Penn Delco Sch. Dist.*, 2012 PA.
Cmmw. Unpub.
LEXIS 955, 2012 WL 8668277; *Croll v. Harrisburg Sch. Dist.*, 2012 Pa. Cmmw.
Unpub LEXIS 957, 2012 WL 8668130.