

Administrative Procedures for Employment of District Staff (Attachment for Policy No. 304)

Purpose

The following administrative procedures detail how appointments to positions are made, operating procedures for recruiting, screening, testing, evaluating, and recommending candidates for employment by the School District of Philadelphia (“District”), and pre-employment requirements in accordance with Board of Education (“Board”) policy, federal and state laws, and regulations. [1][2][3][4][5] The following procedures also describe the procedure to follow to implement a necessary reduction of administrative, professional, and support employee positions.

Procedures

Appointments

The Department of Talent maintains current job specifications for all salaried positions, including experience and education qualifications as well as certification requirements according to the Pennsylvania Public School Code. The Department of Talent also maintains a record of previous job descriptions. All vacant positions are posted on the District’s website under “Careers” and are continuously updated by the Department of Talent. The Department of Talent actively sources for new candidates and holds in-person and virtual events to target high-quality candidates.

Candidates must submit an online application through the District’s website to be considered for any position in the District. The Department of Talent and/or hiring manager screens written applications to ensure that applicants’ qualifications meet experience and education qualifications as well as any mandated certification requirements prior to their further consideration for employment.

Candidates for school-based support positions must complete required testing per state guidelines and District policy. Selection processes vary by position and may include a highly qualified exam, other written or oral exam, or practicals. The Department of Talent sends either an offer letter for a position or an eligibility letter to selected candidates, who are placed on an eligibility list. As positions open, candidates are identified on the eligibility list and provided an offer letter

Candidates for central office administrative roles and school administrators are selected based on selection processes and materials (ex. interview questions and performance tasks) that are position-specific, which are created by hiring managers with support from the Department of Talent, as needed. Candidates are evaluated on selection process activities by hiring committees formed by the program office based on pre-established criteria, and successful candidates receive an offer of employment.

When candidates for represented positions are determined to be eligible for hiring, they are placed into positions according to the rules of the applicable collective bargaining agreement. Appointments for non-represented administrative and support positions are to be made by the Superintendent or the Superintendent's designee.

Willful misrepresentation of facts material to employment and determination of salary shall be considered cause for dismissal of the employee.

Pre-Employment Requirements

Pennsylvania state law requires that all applicants for employment in public and private schools, employees of independent contractors seeking business with public and private schools, and student teacher candidates undergo background checks if they will have direct contact with students. Below is a list of the mandatory background checks and clearances:

1. PA Criminal History Check
2. Child Abuse Clearance
3. FBI Fingerprint Clearance
4. Act 168: Sexual Misconduct/Abuse Disclosure Release
5. Substance abuse testing for candidates seeking to be bus drivers, bus attendants, general cleaners, custodial assistants, building engineers, building engineer trainees, and school aides and trades employees

Criminal history, child abuse, and FBI background checks and clearances presented by all new employees regardless of position shall be no more than one (1) year old as of the employee's start date. The District will cover the cost of the PA Criminal History Check, Child Abuse Clearance and FBI Fingerprint Clearance for school-based employees who are appointed to a position with a base salary of less than \$40,000/year.

All District employees are considered to have "direct contact" with children, as that phrase is defined by the Child Protective Services Law. Therefore, although Board policy allows the District to waive the child abuse clearance requirement for up to thirty (30) days, amendments to the Child Protective Services law prevent an employee who has direct contact with children from starting employment prior to completion of the background check. For this reason, the thirty (30) day waiver is no longer an option.

A pre-employment physical examination, including a tuberculosis test, is required of all employees. [6] School-based candidates who are appointed to a position with a base salary of less than \$40,000/year may be seen by a licensed physician designated by the District for a physical examination free of charge. Candidates who are not school-based and candidates who are appointed to a school-based position with a base salary of more than \$40,000/year must submit a pre-employment physical examination form prescribed by the Commonwealth of Pennsylvania that has been completed by a physician of their choice.

Criminal Background Due Diligence Investigation

In the event that an enumerated offense appears on the criminal background record of a candidate, the Department of Talent will determine, in consultation with the Office of General Counsel (“OGC”), whether the nature of the offense should preclude the candidate’s employment. When the District makes a limited exception to the Pennsylvania Public School Code to employ a candidate with an offense on the individual’s criminal background record, the Department of Talent must document the process used to come to the determination. The paramount consideration for the District in this analysis is student safety. Other factors include:

1. The time period that has elapsed since the offense.
2. Whether the offense was an isolated single event or was repeated.
3. The presence or absence of a subsequent criminal history.
4. The nature of the person’s current position and whether the offense bears a relationship to the current position.
5. Whether the person was employed at a school when the crime occurred.
6. Whether the conduct occurred on the property of a school.
7. The employee’s employment record with the school.
8. Any evidence of rehabilitation provided by the employee or prospective employee since the conviction for the applicable offense. [2]

In accordance with the Pennsylvania Public School Code and applicable case law, the District may not consider candidates with disqualifying criminal convictions for employment. [2]

Candidate Reporting Requirements

Arrest or Conviction Reporting Requirements

A prospective employee who is arrested or convicted of any crime must report it to the Office of Employee and Labor Relations within seventy-two hours (72) of the occurrence by submitting an Arrest Report and Certification Form via email to the Office of Employee Relations at employeerelations@philasd.org. The Arrest/Conviction Report and Certification Form is available on the Pennsylvania Department of Education’s website at <https://www.education.pa.gov/documents/teachers-administrators/background%20Checks/arrest%20or%20conviction%20form.pdf> as well as on the District’s websites and in the Pennsylvania Bulletin.

Child Abuse Indication Reporting Requirements

A prospective employee who is indicated as the perpetrator in a case of child abuse pursuant to the Child Protective Services Law must report it to the Office of Employee and Labor Relations within seventy-two hours (72) of the occurrence via email to the Office of Employee Relations at employeerelations@philasd.org. Child abuse is defined in Board Policy 806, Child Abuse. [7]

In addition to the reporting requirements described above, educators, defined as any employees holding a certificate, have additional and separate reporting requirements to the Pennsylvania Department of Education under the Educator Discipline Act. The Educator Discipline Act specifies that all educators who know of any action, inaction, or conduct which may constitute sexual abuse or exploitation or sexual misconduct are required to file a mandatory report with the Pennsylvania Department of Education and shall report such misconduct to his or her chief school administrator and immediate supervisor. The reporting form is available on the Pennsylvania Department of Education's website at <https://www.education.pa.gov/Educators/Misconduct/Pages/MandatoryReport.aspx>. [8][9]

Disciplinary Action for Failure to Comply with Reporting Obligations

A prospective employee's failure to accurately report being named as a perpetrator in an indicated report of child abuse under the Child Protective Services Law, an arrest, or a conviction may subject the employee to disciplinary action, including denial of employment. The prospective employee may be subject to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

ID Badges

All new hires will receive an ID badge. This ID badge will provide the individual with position-specific access to the District administrative offices and to the individual's assigned school location, if applicable.

Procedure for a Reduction in Force

The efficiency and effectiveness of District organization and staffing is under continuous review. Following procedures established by the Superintendent or designee for determining the need for a reduction in force, the Department of Talent will make recommendations about positions for elimination to the Board as the Superintendent's designee when the Superintendent considers such actions to be in the best interests of the District.

The employment status of represented employees, including professional employees and temporary professional employees, may be terminated or temporarily suspended whenever deemed necessary, subject to limitations and procedures provided for in an applicable bargaining agreement and applicable law.[14][15][16][17] Non-represented employees shall be laid off in accordance with the procedures detailed below.

Employees Other Than Professional Employees and Temporary Professional Employees

When preparing for a reduction in force, the supervisor of the affected staff members must consult with the Department of Talent, specifically the Chief Talent Officer or designee, in advance of a reduction to ensure compliance with policies and relevant laws and regulations.

Specifically, when a reduction in force for budgetary reasons is required, the supervisor shall submit the following to the Department of Talent:

- A listing of the affected employee(s)
- Explanation of why the selected staff were chosen for elimination as part of the reduction in force;
- Organizational charts that provide the structure of the department before and after the reduction in force; and
- Disciplinary history of employee(s) in position affected.

In the case where an office must select a position for elimination with multiple incumbents, consideration should be given to, but not be limited to: relevant skills, abilities, job performance, and experience when determining which position or incumbent will be eliminated. The Department of Talent will review affected populations impacted by elimination over time.

Staff reduction plans must be reviewed and approved by OGC before any communication occurs with the affected employee(s). The review shall be based on the documentation submitted and, if necessary, additional information requested by OGC.

If approved, the affected employee(s) will be provided with notification that includes effective date of the end of their employment and benefits information.

Employees in the Pre-Kindergarten Head Start Program

District employees who work for the Pre-Kindergarten Head Start program will be laid off and reinstated in accordance with the policies and procedures approved by the Pre-Kindergarten Head Start Policy Council and the Board. [18][19][20]

Procedure for Recalling Reduced Staff

Non-represented employees who are laid off due to a reduction in staff may apply for open positions at the District, but will not be given preference for positions. The procedure for recalling represented employees will be governed by the relevant collective bargaining agreement.

Maintenance Schedule

The Chief Talent Officer or the Chief Talent Officer's designee will revise the administrative procedures for the employment of District staff on an as-needed basis when there is a change in relevant operating protocols.

Legal References:

1. [24 P.S. § 1-111.1](#)
2. [24 P.S. § 1-111](#)
3. [23 Pa. C.S.A. § 6344](#)

4. [Policy 104](#) - Nondiscrimination in Employment Practices
5. [42 U.S.C. § 12112](#)
6. [Policy 314](#) - Pre-employment Physical Exam
7. [Policy 806](#) - Child Abuse
8. 24 P.S. § 2070.1a, *et seq.* [Educator Discipline Act](#)
9. [Policy 317](#) - Conduct/Disciplinary Procedures