

CHAPTER 5: Non-Represented Personnel
ADMINISTRATIVE PROCEDURE NO. 5.15.1 (AP 7125, 7330, 7336, 7337)

ADMINISTRATIVE PROCEDURE
San Mateo County Community College District

Subject: 5.15.1 Employment Requirements: Identity Documentation, Freedom from Tuberculosis, and Fingerprinting

Revision Date: 10/12

References: 8 U.S. Code Section 1324a; Education Code Sections 87013, 87400, 87408, 87408.6 and 88024; Penal Code Sections 11102.2 and 11077.1

Identity Documentation

1. This District will not recruit or hire an individual for employment if it knows that the individual is not a citizen of the United States and/or is not authorized to be employed in the United States. Reliable documentation of eligibility for employment is required from all individuals hired. Reliable documentation as established by federal law includes one or more of the following:
 - a. A United States passport or resident alien card or alien registration card containing a photograph of the prospective employee that indicates the person is authorized to work in the United States;
OR
 - b. A social security card or other documentation issued by the United States government showing authorization to work in the United States AND a driver's license or similar document containing a photograph of the prospective employee.
2. The District will complete the verification form required by the United States government for each new employee. The District will retain such forms for at least three years for individuals it does not hire. For individuals it does hire, the District will retain such forms for at least three years or until one year after the individual leaves the District employment, whichever is later.

Tuberculosis Testing

3. Except as provided herein, no person shall initially be employed by the District in an academic or classified position unless the person has submitted to an examination within 60 days prior to employment to determine that he/she is free of active tuberculosis by a physician or surgeon licensed under the California Business and Professions Code or by a physician's assistant. This examination shall consist of an x-ray of the lungs, or an approved intra-dermal tuberculin test that, if positive, shall be followed by an x-ray of the lungs. The District will determine which test will be completed. This examination is a condition of initial employment; the expense of the x-ray or test shall be borne by the District.
4. The x-ray film may be taken by a qualified Radiologic Technician if the x-ray film is subsequently interpreted by a physician or surgeon licensed under the Business and Professions Code.
5. The Director of Health Services may exempt, for a period not to exceed 60 days following the termination of a pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an x-ray of the lungs.

5.15.1 Employment Requirements: Identity Documentation, Freedom from Tuberculosis, and Fingerprinting (continued)

6. Thereafter, employees who are skin test negative are required to undergo the foregoing examination at least once every four years or more often upon recommendation of the Director of Health Services for so long as the employee remains skin test negative.
7. If an employee has a documented positive skin test that has been followed by an x-ray, the foregoing examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the Director of Health Services to determine the need for follow up care.
8. After the examination, each employee shall cause to be on file with the District a certificate from the examining physician, surgeon or physician assistant showing the employee was examined and found free from active tuberculosis.
9. This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any 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 and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Director Health Services is satisfied that he/she is not so afflicted.
10. A person who transfers his/her employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that show that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school or college previously employing him/her that it has a certificated on file that contains that showing.
11. A person who transfers his/her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that he/she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has the certificate on file.

Fingerprinting

12. All newly hired regular full time and regular part-time employees shall, upon confirmation of being hired, be scheduled at the County Office of Education for a Live Scan fingerprint that is electronically sent to the Department of Justice. This background check is conducted at no cost to the newly hired employee.
13. Student Assistants who indicate that they have been convicted of a criminal offense will be required to have a Live Scan conducted at the County Office of Education.
14. All results of the Live Scans are electronically sent by the Department of Justice to the Vice Chancellor of Human Resources and Employee Relations for review and determination as to whether the newly hired employee or student assistant may continue to be employed based on the results.
15. A conviction is not an automatic bar to employment. However, a newly hired employee who has stated on his/her employment application that he/she has not been convicted of a criminal offense and the Live Scan report reflects a conviction of a criminal offense, that employee will be terminated from employment for falsification of his/her application
16. The District will protect the privacy of the information it collects pursuant to this procedure.