

**ALL PERSONNEL****Recruitment and Selection**

The Superintendent desires to employ the most highly qualified and appropriate person available for each open position in order to advance the educational opportunities available to students and insure the greatest efficiency in Office of Education operations.

The Office of Education shall engage in fair and sound personnel practices in the appointment of all employees. The Superintendent shall be responsible for establishing recruitment, selection and appointment procedures.

Job descriptions shall include the minimum qualifications required and the additional qualifications, training and experience which are considered desirable for all personnel vacancies. It is incumbent on the staff members who are involved in the selection process to recommend only those candidates who are properly qualified for the position and who, based on appropriate screening devices, interviews, observations, and recommendations, can be expected to perform professionally and competently. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law. The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

Nothing in this policy shall be construed to prevent the promotion of an existing employee to a vacancy, or the appointment of a new employee not previously employed by the Office of Education to a vacancy, without circulation of a vacancy announcement upon the finding of the Superintendent that a formal search is unwarranted.

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

41530-41533 *Professional Development Block Grant*

44066 *Limitations on certification requirement*

44259 *Teaching credential; exception; designated subjects; minimum requirements*

44735 *Incentive grants for recruiting teachers for low-performing schools*

44740-44741 *Personnel Management Assistance Teams*

44750-44754.5 *Regional teacher recruitment centers*

44830-44831 *Employment of certificated persons*

44858 *Age or marital status in certificated positions*

44859 *Prohibition against certain rules and regulations re residency*

45103-45138 *Employment (classified employees)*

49406 *Examination for tuberculosis*

GOVERNMENT CODE

815.2 *Liability of public entities and public employees*

12900-12996 *Fair Employment and Housing Act, including:*

12940-12956 *Discrimination prohibited; unlawful practices*

UNITED STATES CODE, TITLE 8

1324a *Unlawful employment of aliens*

1324b *Unfair immigration related practices*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

2000h-2-2000h-6 *Title IX, 1972 Education Act Amendments*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

COURT DECISION

*C. A. v. William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1*

LABOR CODE

432.3 *Employers: salary information*