PERSONNEL COMMISSION
SANTA MONICA COLLEGE

MERIT RULES
CHAPTER VIII

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CHAPTER VIII -- NEW EMPLOYEE CLEARANCES

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CHAPTER VIII

EMPLOYEE CLEARANCES

(EDUCATION CODE SECTIONS 87408.6, 88006, 88021, 88024)

Rule 8.1 PHYSICAL EXAMINATIONS (EDUCATION CODE SECTIONS 87408.6, 8802.1)

8.1.1 INITIAL EMPLOYMENT

A. Every eligible appointed to a regular position in the Santa Monica Community College District shall pass a physical examination as a condition of initial appointment. The examination shall include: urinalysis, tuberculin skin test or chest x-ray, audiogram, visual acuity and health history, and a medical examination, and shall be completed prior to initial appointment.

B. The examination shall be administered by the college physician or a private physician upon the approval of the college physician. Costs for the initial pre-employment physical examinations, administered by the District shall be borne by the District.

C. Prior to employment, every person hired in a classified or exempt position must undergo a negative skin test or chest x-ray to determine that he/she is free from active tuberculosis. For exceptions to this Rule, see Education Code Section 87408.6.
D. The college physician shall determine the ability of the applicant, candidate, or eligible to perform the prescribed duties of the class in which he/she shall be employed, and shall notify the individual and the Personnel Director of the findings.

1. If the college physician proposes to disqualify the eligible, he/she shall provide the individual and the Personnel Director with a statement describing the specific condition and the limitations that have resulted in the individual's disqualification.

2. If the physical examination reveals a treatable medical condition, the college physician shall review the proposed course of treatment and may approve the individual's employment and require the individual to report for follow-up examinations.

3. No person may be disqualified from employment due to a medical condition or disability until the college physician and the Personnel Director have determined that a reasonable accommodation of the medical condition or disability cannot be made.
8.1.2 AFTER EMPLOYMENT

A. Every employee shall undergo an examination to determine that he/she is free from active tuberculosis at least once every 4 (four) years after employment. The District shall provide the approved tuberculin skin test at no cost to the employee.

The District Health Office shall maintain adequate records on each employee which indicates compliance with these rules.

B. An employee may be required to undergo a physical examination at any time at the discretion of the Superintendent, the Personnel Administrator, or the college physician.

C. Every employee returning from illness/injury leave of absence must submit acceptable medical verification of recovery sufficient to return to his/her regularly assigned duties to the college physician prior to readmission to active duty.

8.1.3 SCHOOL BUS DRIVERS

A. In addition to any other examination that may be required by these rules, school bus drivers must have a valid school bus driver's certificate which requires a separate medical examination to meet the minimum requirements set forth by the Department of Motor Vehicles in Chapter 29-B of the Driver's License Examiner's Manual of Procedure.
8.1.4 MEDICAL REVIEW BOARD

A. Rejection for medical reasons of an eligible, or of an employee who has applied for return from leave of absence, may be appealed to the Personnel Commission.

B. The Personnel Commission may employ outside medical experts to give a medical advisory opinion. The applicant, eligible or employee may at his/her own expense submit additional medical information to be considered by the Personnel Commission.

C. The Personnel Commission, based on evidence submitted and the advice of medical experts to the Personnel Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained.
Rule 8.2  CRIMINAL RECORDS CHECK (EDUCATION CODE SECTION 88024)

8.2.1 FINGERPRINTING

A. A criminal records check shall be done for each person at the time of his/her acceptance of initial employment. The District shall notify each employee where and when to report for fingerprinting, prior to first day of employment. Any person who fails to report for fingerprinting at the day and time appointed by the District shall forfeit eligibility for employment.

8.2.2 REVIEW OF CRIMINAL RECORDS

A. All criminal record reports shall be confidential. Any employee charged with receiving and/or reviewing these records who divulges information contained therein to an unauthorized person may be subject to disciplinary action.

B. The criminal record report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation shall be reviewed with the person's application form and a determination shall be made regarding the person's eligibility for employment. The criminal record shall be evaluated on the following basis:

1. Nature, seriousness and circumstance(s) of the offense(s).

2. Age of the person at the time of the offense.

3. Number of convictions.

4. Relationship of the offense(s) to the position applied for.

5. Evidence of rehabilitation and maturing, including employment record with respect to job responsibility and duration.

6. Truthfulness in admitting to the offense(s) at the time of initial application.

Upon review of the criminal record, the Personnel Director shall notify the person of his/her eligibility for employment.
C. If a probationary employee is to be dismissed because of information disclosed on the criminal record report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Director shall be notified of the recommended action and the reasons therefore.

D. Upon receipt of the recommendation, the Personnel Commission shall notify the employee or eligible of the action taken or contemplated and the reasons therefore. The Personnel Director shall provide the person with an opportunity to respond to the decision in writing within ten (10) working days of notification. He/she shall notify the Personnel Commission of the recommendation and the response of the employee or eligible, if any. The Personnel Commission may hold a hearing at its discretion. The decision of the Personnel Commission shall be final.