



REGULATIONS

REG No.: 891

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS

I. BACKGROUND and/or LEGAL REFERENCE

TASB Policy Manual, Hiring Practices, 3-7-94; DN, Personnel Positions: Qualifications, 7-1-82; DBA, Employment Requirements and Restrictions: Credentials and Records, 3-7-94; DBB, Employment Requirements and Restrictions: Physical Examinations and Communicable Diseases, 3-7-94; DBD, Conflict of Interest, 3-7-94.

II. POLICY

A. Hiring Practices

The director of personnel shall determine and verify the eligibility for employment of all personnel prior to making an offer of employment from the District. However, should it be determined after initial employment that the employee was not eligible for employment, the employee shall immediately produce proof of eligibility. If proof of eligibility cannot be produced, the employee shall be dismissed if an at-will employee, or if an employee on contract, shall be proposed for dismissal after notice and hearing.

(POLICY APPROVAL: 7-2-90, Board of Trustees)

B. Personnel Positions

1. Qualifications of Employment

No contract employee shall be assigned by the administration to a position or to duties for which he does not possess the full qualifications required by the Southern Association or Coordinating Board, except in emergency situations.

2. Emergency Situations

In those unusual cases where there is insufficient time to conduct a major search, the District may assign an employee to a position or duties for which he is not fully qualified, provided:

- a. Assignment is made with the consent of employee.
- b. A reasonable plan for remediation of any deficiencies in qualifications is developed and accepted by the employee and District.
- c. A reasonable deadline for the employee to achieve a fully qualified status is established at the time of employment.

3. Changes in Qualifications for Employment

From time to time the qualifications for employment imposed by the Southern Association, by a specialized accrediting group, or by the Coordinating Board or adopted as a policy of the District may change so as to render a contract employee no longer

fully qualified for employment in his current position or duties. When this occurs, the District will make every effort to support and assist the employee to become fully qualified again by:

- a. Offering reassignment to a position or duties for which the employee is fully qualified if such a position or duties are available.
- b. Providing a reasonable period of time to allow the employee to remediate deficiencies in qualifications.

(POLICY APPROVAL: 7-24-89, Board of Trustees)

C. Physical Examination During Employment

1. A physical examination may be required of any employee when the employee's condition interferes with the performance of regular duties. (See also TASB Policy Manual, DEC.) The examination report shall be made on forms provided by the District.
2. The District may designate the physician to perform the examination and, in such case, shall pay the cost of the examination.
3. The College President or designee may suspend the employee with pay until the examination is completed if he or she deems it appropriate

D. Other Requirements

Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with requirements mandated by state law and regulations as outlines in TASB Policy Manual, DBA.

E. Communicable Diseases [see also Reg 521 on communicable diseases]

1. Communicable or reportable diseases include, but are not limited to, acquired immune deficiency syndrome; amebiasis; anthrax; botulism-adult and infant; brucellosis; campylobacteriosis; chickenpox; Chylamydia trachomatis infection; cholera; coccidiomycosis; dengue; diphtheria; encephalitis (specify etiology); gonorrhea; Hansen's disease (leprosy); Haemophilus influenzae infections; hepatitis, viral-type A, type B, type D (delta agent), type non-A/Non-B, and unspecified types; histoplasmosis; HIV infection; influenza and flue-like illness; legionellosis; leptospirosis; listeria infection; Lyme disease; malaria; measles; meningitis-bacterial, aseptic/viral, fungal and other (specify etiology, all types); meningococcal infections; mumps; pertussis; plague; poliomyelitis; paralytic; psittacosis; Q fever; rabies in man; Reye syndrome; Rocky Mountain spotted fever; rubella; rubella congenital syndrome; salmonellosis; shigellosis; syphilis; tetanus; toxic shock syndrome; trichinosis; tuberculosis; tularemia; typhoid fever; typhus fever-endemic (murine) and epidemic; vibrio infections; viral hemorrhagic fever; and yellow fever. Employees with communicable diseases, whether acute or chronic, shall be subject to the following provisions.
2. Confirmation

The information that an employee has a communicable disease shall be confirmed by one of the following methods:

- a. The employee brings the information to the District's attention.
 - b. The employee confirms the information when asked.
 - c. If the College President or designee has reason to believe that the employee has a communicable disease that impairs the employee's ability to perform duties of the employee's job or poses a threat to self or others, the employee may be asked to submit to a medical examination to determine whether the employee's physical condition interferes with the performance of regular duties or poses a threat to self or others.
3. Confidentiality
- a. In the case of an employee suspected of having HIV infection, AIDS Related Complex or AIDS, an employee may not be required to undergo any medical procedure or test designed to show or help show whether a person has AIDS or HIV infection in accordance with section 9.02 of the Communicable Disease Prevention and Control Act (Article 4419b-1).
 - b. The results of such an examination shall be kept confidential except that the College President or designee shall be informed of restrictions in duties and necessary accommodations. First aid and safety personnel may also be informed to the extent appropriate if the condition may require emergency treatment.
 - c. The right to privacy of the individual shall be respected. With regard to employees who have or are suspected of having HIV infection or AIDS, Section 9.01 of the Communicable Disease Prevention and Control Act (article 4419B-1, Vernon's Texas Civil Statutes) defines "test result" to mean any statement or assertion that any identifiable individual is positive, negative, at risk, has or does not have a certain level of antigen or antibody, or any other statement that indicates that an identifiable individual has or has not been tested for AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS. Section 9.03 of the Act provides that a test result is confidential. Any person, firm, corporation, physician, hospital, blood center, blood bank, laboratory, or other entity that possesses or has knowledge of the test result may not release or disclose a test result or allow a test result to become known.
 - d. A test result may be released to a local health authority if reporting is required under the Act. With regard to the District, the President or designee shall notify the local health authority when HIV infection is known or suspected in an employee and provide all information known concerning any person who has or is suspected of having HIV infection.
 - e. A test result may also be released to a physician, nurse, or other health care personnel who have a legitimate need to know the test result in order to provide for their protection and to provide for the employee's health and welfare.
 - f. A test result may be released if the employee or person legally authorized to consent for the employee voluntarily releases or employee poses a risk of contagion to other

employees or students, the employee poses a threat to his or her own health by remaining on the job, or the employee's physical condition interferes with the performance of regular duties.

- g. The employee may present evidence to the College President or designee on any information relevant to the employee's fitness to continue the performance of regular duties.

F. Leave of Absence

Employees who are excluded from work may be placed on any sick leave or temporary disability leave to which they are entitled. [See Regulation 851.]

G. Termination of Employment

Employees who are excluded from the work place in accordance with this policy may have their employment terminated when any sick leave to which they are entitled has expired, in accordance with appropriate policies and state and federal law.

(POLICY APPROVAL: 7-2-90, Board of Trustees)

H. Conflict of Interest

1. An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities.
2. Any employee shall not have a personal financial interest, a business interest, or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the District.
3. An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the College President or designee, who shall take whatever action is necessary, if any, to ensure that the District's best interest are protected.

(POLICY APPROVAL: 10-16-89, Board of Trustees)