

# Regulation GBJC

## Las Cruces Public Schools

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Related Entries: GBJC

Responsible Office: Associate Superintendent for Human Resource Development

Applicable To:  Union Certified Employees  Union Classified Employees  Non-Union Employees  
 All Employees

## Employment: Hires, Investigations, Verifications and Exams

### I. PURPOSE

To establish a process ensuring that employment candidates and school district employees meet the standards of employment as required by LCPS and/or state statute.

### II. BACKGROUND

- A. The Las Cruces Public Schools Board of Education is committed to a safe learning and working environment for its students and employees. Therefore, the school district shall conduct thorough background investigations, reference checks, education and work history verifications, and other tests or checks that are necessary for determining eligibility for employment or to ensure, as part of the pre-employment process, employees are capable of performing their duties as assigned.
- B. The Board is equally committed to ensuring that substitutes, volunteers and others who have unsupervised contact with students, undergo the necessary investigations and/or verifications, as per state law.

### III. PROCESS

- A. The District will act in accordance with NMSA §22-10A-5, NMSA 1978. Convictions of felonies or misdemeanors contained in the Federal Bureau of Investigation (FBI) record shall be used in accordance with the Criminal Offender Employment Act §28-2-1, NMSA 1978.
- B. Criminal convictions shall not automatically bar an applicant from obtaining employment with the Las Cruces Public Schools District, but pursuant to the Criminal Offenders Act, NMSA 1978 §28-2-4 and §28-2-5, may be the basis for refusing employment. Information or copies from background checks shall not be disclosed except to persons directly involved in the certification or employment decision involving the applicant or employee. Copies may only be shared with the employee or other New Mexico school districts if the report is less than one year old. The District will have the employee sign a release when giving or sending a copy of the report.

C. Offers of Employment

1. Any offer of employment is contingent upon the satisfactory completion of all required background investigations, aptitude tests, and/or physical health examinations.
2. All Applicants for employment with the School District are subject to work history, education history, and reference investigations, including but not limited to substitutes and temporaries. Each such applicant who is a finalist for employment will be subject to a criminal background investigation, including mandatory fingerprinting, at the candidate's expense, as a condition of further consideration for employment. The applicant must pay for the background investigation at the time of hire by cashier's check, money order or by authorizing payroll deduction.
3. All applicants are subject to reference checks of all past or of the applicant's most recent past employers. As a condition of submitting an application for employment with the School District and of consideration of the application by the Superintendent of Schools, the applicant will complete a release and waiver form releasing reference information from the applicant's past employers and waiving all claims against the applicant's past employers for providing such a reference.

The release and waiver can be included in the School District's application form or in a separate document. No application for employment can be considered by the Superintendent unless the applicant has executed the release and waiver and a reference check of all past or of the applicant's most recent past employers has been completed and documented.

4. The District prohibits any employee from providing a recommendation of employment for anyone that the employee knows, or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law.
5. A job related test may be given to help determine aptitude or ability to perform a specific set of essential job functions. Such tests may be given to candidates for job changes and promotions, as well as to new applicants. Test results will be confidential.
6. Employment may also be contingent on passing a post-offer physical/health examination at the applicant's/employee's expense. At any point during employment, the District may require an employee to undergo a health examination during regular work hours, at the District's expense, in order to ensure that the employee is physically capable of performing the essential functions/tasks of the position safely.
7. With regard to existing employees, the District may conduct equivalent FBI background investigations if the District becomes aware of facts, circumstances or conduct giving rise to a reasonable suspicion that the

employee has a history that, if substantiated, may adversely affect his/her fitness to continue in employment with the District.

8. Automatic denials will result from convictions of child abuse or neglect, criminal sexual penetration. Other potential denials include patterns of arrests/convictions, drug trafficking/distribution, failure to disclose, the existence of an open or pending case, convictions of charges that might impact the specific position, or failure to contact the department upon request for explanation and dispositions within a given timeframe.
- D. Existing employees may also be required to undergo post-accident testing. Tests may be required in situations when management believes that judgment, coordination, human error or physical or mental ability may have been a contributing factor or when management has reasonable suspicion to believe that drugs or alcohol may have been involved. As soon as practical following an accident or injury which occurs while in the process of performing the employee involved in the accident. The employee will be suspended with pay until the results are received and/or the review is complete.
  - E. Pursuant to state law, the Superintendent will report to the New Mexico Public Education Department any known conviction of a felony or misdemeanor involving moral turpitude of a school employee that results in any type of action against the employee. All administrators shall report any such information to the Superintendent.
  - F. Volunteers--All people requesting to volunteer in the district are required to apply with the Human Resources Department. Any volunteer that will be unsupervised must go through the following:
    1. FBI Background Check (cost paid by the volunteer)
    2. *Waiver Statements and Volunteer Information Sheet*
    3. A *Volunteer Clearance Form* will be sent to the school administrator when all requirements have been met.

School administrators are required to keep an up-to-date list of all volunteers in the building and are responsible to make sure each volunteer has a complete file in the Human Resources Department.

Exemptions from this procedure would be: Parent of a student at the building visiting or providing food in the class less than four (4) times per semester.

#### **IV. REVIEW**

This regulation shall be reviewed on an ongoing basis.



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*Approved, Dr. Miguel Serrano,  
Chief Human Resources Officer*

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*December 17, 2018  
Date Approved*

Revised 7.22.98, 10.17.00, 09.2001, 9.01.2015, Revised 12.17.18