

All Personnel

AR 4112.61

4212.61

EMPLOYMENT REFERENCES

4312.61

The Superintendent/Principal or designee shall be responsible for processing requests for employment references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees shall be approved by the Superintendent/Principal or designee. At his/her discretion, the Superintendent/Principal or designee may refuse to give a recommendation.

The Superintendent/Principal or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide a truthful and accurate account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (5 CCR 80332)

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066

Regulation

CUDDEBACK UNION ELEMENTARY SCHOOL DISTRICT

approved: December 11, 2019

Carlotta, California

All Personnel

BP 4112.8(a)

4212.8

EMPLOYMENT OF RELATIVES

4312.8

The Board of Trustees recognizes that the perception of nepotism involving a member of the Board or district employees may negatively affect the supportive working conditions that the district strives to maintain for its employees. The Board further recognizes that this perception may be minimized by reasonably regulating the business interactions between district employees who are related by blood, marriage or domestic partnership. This Board policy and related Administrative Regulation are intended to address such concerns without inhibiting the rights of the Board members or district employees.

The following requirements shall govern the hiring of, or assignment of duties to, district employees:

1. If a person is related by blood, marriage or domestic partnership to a Board member, the district shall employ that person only in accordance with the restrictions specified under Government Code 1091, 1091.5 and other applicable provisions of law.
2. If a prospective employees is related by blood, marriage or domestic partnership to a current district employee, the district may hire and place a prospective employee in a position for which he/she is qualified, so long as the district does not: (1) hire and place the prospective employee a position where a current district employee maintains supervisory or evaluation responsibilities for the position; or (2) hire and place the prospective employee in a position where he/she maintains supervisory or evaluation responsibilities for a current district employee.
3. If a current district employee is related by blood, marriage or domestic partnership to another current district employee, the district may appoint, promote or demote a current district employee to a position for which he/she is qualified, so long as the district does not appoint, promote or demote a current district employee to a position where another current district employee maintains supervisory or evaluation responsibilities for that position.
4. The Board May grant exception to these prohibitions regarding the hiring, promotion and demotion of related employees. However, in granting such exceptions, the Board and/or Superintendent shall make reasonable efforts to minimize problems of supervision, safety, security, or morale.
5. By adopting this policy, the Board expressly excepts from this prohibition any district employee who, at the time this Board policy is adopted, holds a position that is supervised or evaluated by another person to whom that district employee is related by blood, marriage or domestic partnership. The Board and/or Superintendent shall make reasonable efforts to modify the process of supervising, safety, security, or morale.

BP 4112.8(b)
4212.8
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EMPLOYMENT OF RELATIVES (continued)

6. Whenever the Board makes an exception to this prohibition, and when a complaint relates to or arises from a district employee who is subject to the exception, the complaint shall be governed by the Alternative Complaint Process set forth in Administrative Regulation 1312.1.
7. District employees who are related by blood, marriage, or domestic partnership may be assigned to the same department or work location only upon approval by the Board and/or Superintendent/Principal

This policy is intended to avoid conflicts of interest or the perception of the conflicts of interest either on the part of a member of the Board or district employees.

Legal Reference:

EDUCATION CODE

35107 School district employees

FAMILY CODE

297-297.5 Rights, protections, benefits under the law; registered domestic partners

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

12940 Unlawful employment practices

CODE OF REGULATIONS, TITLE 2

7292.0-7292.6 Marital status discrimination, especially:

7292.5 Employee selection

Management Resources:

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>