

BACKGROUND CHECKS

- I. All individuals applying for a position, including substitute positions, are required to file in writing, in advance of employment on forms provided by the District, a statement identifying whether the applicant:
 - A. has been convicted of a misdemeanor or felony in Wisconsin or any other state or country
 - B. has any misdemeanor or felony charges pending against them in Wisconsin or any other state or country and
 - C. has been dismissed or non-renewed, or has resigned from employment in-lieu-of a potential dismissal or non-renewal, for any of the following causes:
 1. failure to meet the District's performance expectations
 2. incompetence
 3. inefficiency
 4. neglect of duty
 5. unprofessional conduct
 6. insubordination
- II. Additionally, all persons applying for any position shall be required to agree to the release of all investigative records to the School Board or designee for the purpose of verifying the accuracy of criminal violation information.
- III. Background checks for prospective employees will be conducted as outlined in Administrative Guidelines 3120 and 4120.
- IV. Employment may be offered pending the return and disposition of such background checks. All offers of employment are contingent upon the results of such checks.
- V. Knowingly falsifying any of the preceding information shall be sufficient grounds for not being hired or for discharge.
- VI. If a job applicant has committed a crime that substantially relates to the circumstances of the particular position for which he/she is applying, the District may take that offense into consideration when deciding whether to employ the individual. The District may refuse to employ an individual who has been convicted of a felony and who has not been pardoned for that felony.

- VII. All District employees shall notify their immediate supervisor or building principal as soon as possible, but not more than three calendar days after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:
- A. crimes involving school property or funds
 - B. crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator
 - C. crimes that occur wholly or in part on school property or at a school-sponsored activity
 - D. a misdemeanor which involves moral turpitude (e.g. an act or behavior that gravely violates moral sentiments or accepted moral standards of the community)
 - E. a misdemeanor which violates the public trust
- VIII. The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses, except as noted in this policy. Failure to report under this policy may result in disciplinary action, up to and including termination. Such report shall be made as soon as possible, but in no circumstance more than three calendar days after the event giving rise to the duty to report. The District may conduct criminal history and background checks on its employees. An arrest or indictment shall not be an automatic basis for an adverse employment action.
- IX. Conviction of a non-felonious crime shall not be an automatic basis for an adverse employment action. The District shall consider the following factors in determining what action, if any, should be taken against an employee who is convicted of a non-felonious crime during employment with the District:
- A. the nature of the offense
 - B. the date of the offense
 - C. the relationship between the offense and the position to which the employee is assigned

- X. For any employee who is convicted of a felony and has not been pardoned, the District shall have discretion to terminate that individual's employment or to non-renew his/her contract.
- XI. Nothing in this policy shall prohibit the District from placing an employee on administrative leave or from suspending an employee based upon an arrest, indictment or conviction, or from terminating an employee who has been convicted of a felony and who has not been pardoned for that felony.
- XII. All employees who drive a District vehicle, transports students with their personal vehicle, operate mobile equipment, or receive a District travel allowance or mileage reimbursement must notify their immediate supervisors immediately of any driving citation or conviction of a traffic violation. Supervisors receiving such notice will immediately notify the Superintendent or his/her designee. Payment for any citations received while driving a District vehicle is the responsibility of the driver. The reporting provision applies to citations or convictions as a result of operating either a District vehicle or personal vehicle.

Legal References:

Section 111.31, 111.321, 111.335, Wis. Stats.

Cross References:

Board Policy 3120 – Employment of Professional Staff

Board Policy 3121 – Background Checks

Board Policy 4120 – Employment of Support Staff

Administrative Guideline 4120.04 – Substitute Check Sheet

Administrative Guideline 3120 – Hiring Procedures

Administrative Guideline 4120 – Hiring Procedures

Adopted: 6/18/01

Revised: 8/13/12; 3/12/15; 11/14/16

The Port Washington-Saukville School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: Director of Special Services, Port Washington-Saukville School District, 100 W. Monroe Street, Port Washington, WI 53074 - Duane.Woelfel@pwssd.k12.wi.us