

<b>MENDOCINO COUNTY POLICY NO. 45</b>	<b>PRE-EMPLOYMENT POLICY</b>
ADOPTED: July 25, 2006 SUPERSEDED: June 16, 2015	ADOPTED BY: MINUTE ORDER SUPERSEDED BY: MINUTE ORDER – June 16, 2015

## **1.0 PURPOSE AND POLICY STATEMENT**

It is the intent and purpose of the Mendocino County Pre-employment Policy to determine if a prospective employee can perform the duties of the position for which they have applied, and to obtain background investigation information determined necessary for specified job classifications.

Applicants are considered without regard to race, color, religion, sex, age, sexual orientation, national origin, marital status, or the presence of a non-job-related mental or physical disability.

All job candidate finalists may be required to participate in one or more of the following: a pre-employment physical, drug testing, and background investigation. Volunteers in certain assignments may also be subject to this pre-employment policy. All employment offers are contingent upon the finalist's successful completion of the applicable pre-employment evaluations as defined herein.

## **2.0 PRE-EMPLOYMENT EVALUATIONS**

Finalists for County employment may be subject to appropriate background investigation or evaluation, including but not limited to:

- a) Employment history investigation
- b) Professional reference checks
- c) Personal and character investigation
- d) Social Security verification
- e) Credit check
- f) Fingerprinting
- g) Search conviction records and for some classifications, search of arrest records
- h) Physical or psychological tests
- i) Drug testing
- j) Driving record (candidates for specific job classifications must provide a California DMV printout that is less than fourteen [14] days old)

Failure to pass any or all of the above background investigation criteria may warrant a disqualification by the Human Resources Director.

### **3.0 PRE-EMPLOYMENT PHYSICALS**

Pre-employment mental and physical evaluations must be job-related. Candidates must meet a job classification's established criteria in order to be designated as qualified for employment in that classification. The level of mental and physical evaluation is dependent upon the requirements of the specific job classification. All positions requiring the ability to lift at least thirty (30) pounds will be subject to a pre-employment physical evaluation. Finalists will be made a job offer that is contingent upon the successful completion of the pre-employment physical.

#### **3.1 Cost of Pre-employment Physical**

Mendocino County shall pay the cost of the initial pre-employment physical. All pre-employment physicals will be performed by the County's designated facility(s). Finalist's personal physician or an alternative facility may be utilized only when authorized by the Human Resources Director.

#### **3.2 Disqualification of Pre-employment Physical**

If an applicant is disqualified from appointment to a position for failing to meet the job classification's pre-employment physical criteria, the applicant's name shall be removed from the associated eligibility list.

#### **3.3 Appeal of Disqualification**

The applicant may file a written appeal for review of the disqualification. Such appeal must be submitted to the Human Resources Director within five (5) working days of the applicant having received notification of the disqualification, and must include additional information regarding his or her medical condition, including a report by an independent medical examiner. The information provided must be relevant to the nature and extent of the medical condition(s) as related to the applicant's disqualification. Any medical examinations relating to this appeal are the financial responsibility of the applicant.

The appeal will be submitted to the County's designated Medical Evaluator for review. The Medical Evaluator will review the submitted information and determine, in light of this additional information, whether or not the applicant meets the mental and physical abilities of the job classification.

If the Medical Evaluator withdraws the disqualification, the applicant's name shall be returned to the eligible list for the job classification.

Regardless of whether the candidate appeals, or if the appeal of disqualification is upheld, he or she has the right to request an accommodation under the Americans with Disabilities Act and Fair Employment and Housing Authority (ADA/FEHA). Such a request must be submitted in writing to the Human Resources Director within thirty (30) days of the applicant having received notification of the disqualification.

### **4.0 PRE-EMPLOYMENT DRUG TESTING – Safety Sensitive Positions**

All job candidate finalists for safety sensitive positions involving, but not limited to the health, welfare, care and safety of citizens, law enforcement and transportation will require pre-employment drug screening. Volunteers in certain assignments will also be subject to drug testing. After all other employment screening has been completed and the successful job candidate has been identified, such candidate will be made a job offer contingent upon the successful completion of the drug testing process.

**4.1 Cost of Drug Testing**

Mendocino County shall pay the cost of the initial pre-employment drug screening. All pre-employment drug screening will be performed by the County's designated facility(s). A personal physician or alternative facility may be utilized only if authorized by the Human Resources Director.

**4.2 Testing Procedures**

The process and procedures shall be in accordance with applicable statutes, case law, ordinances, and policies in effect at the time of testing. All drug test results will be reviewed and interpreted by the standards and requirements of the certified agency or agencies authorized by the County to provide drug-testing services.

**4.3 Positive Drug Tests**

With all positive drug tests, the physician or authorized party having conducted the test will first contact the applicant to determine if there is a medical explanation for the positive test result.

If documentation is provided and the Medical Review Officer determines that there was a legitimate medical explanation for the positive result, the test result will be reported to the County as negative.

If the analysis tests positive for the presence of controlled substances, the applicant has seventy-two (72) hours to request that a different certified lab analyze the specimen. All costs associated with the request of the applicant for a second analysis shall be the financial responsibility of the applicant.

**4.4 Failure to Successfully Complete the Drug Testing Process**

Any applicant whose drug test is reported to the County as a positive drug test shall be deemed disqualified and is not eligible to become employed with the County. The applicant's name will be removed from the eligibility list for that job classification. An applicant with a positive drug test will not be considered for employment or volunteer work with the County for at least six (6) months after the date of the failed test.

**5.0 RE-HIRES**

Employees re-hired within ninety (90) days of separation will not be required to complete a pre-employment exam, unless otherwise specified by Peace Officer Standards and Training (POST), Standards and Training for Corrections (STC), Federal Department of Transportation, or other applicable state or federal regulations.

**6.0 PRIVACY RIGHTS**

Privacy and confidentiality of all information obtained in the pre-employment screening process will be adhered to in accordance with state and federal regulations.