

## PROFESSIONAL STAFF HIRING

Code **GCF** Issued **9/18**

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Purpose: To establish the basic structure for the hiring of high quality district staff.

It is the policy of the board to recruit and hire professional personnel on the basis of qualifications and merit. The district will provide equal employment opportunities to all persons without regard to race, color, creed, sex, age, disability, religion or national origin. The district will make reasonable accommodations for an individual who is otherwise qualified for a position unless the accommodation would impose an undue hardship on the district.

The superintendent will make recommendations to the board for employment. The superintendent will establish that all persons nominated for employment meet the qualifications set out for the particular position. Principals should be actively involved in the hiring of personnel for their schools.

The district board must approve all employment recommendations.

The district will not employ any candidate without a personal interview.

All offers of employment are contingent upon successful clearance and approval following a name-based criminal record history check through SLED, as well as national and state sex offender registry checks, as determined by the superintendent or his/her designee pursuant to state law, and as provided in policy GBEBDA\*.

Should a vacancy occur in a position during the year, the board authorizes the superintendent to fill such vacancies for the remainder of the school year in which the vacancy occurs pursuant to a letter of agreement, when appropriate. The superintendent or his/her designee may determine whether advertising the vacancy is necessary or whether the position may be filled through some other means.

The superintendent is authorized, in accordance with district hiring procedures, to recommend that retired employees be hired to work in the district on an "as needed" basis, focused, in particular, on circumstances of unique qualification and/or critical academic or geographic needs, and when their employment would serve the best interests of the school system. In such cases the superintendent will notify the employee of the at-will status of his/her employment and explain the general salary arrangements available under applicable state law. The continued employment of retired employees will be at the discretion of the superintendent, who will make such decisions in the best interests of the district. The decision to employ or not employ retired employees will not be subject to the district's grievance procedures.

The Immigration Reform and Control Act of 1986 (P.L. 99-603) prohibits employers from hiring aliens not legally eligible to work in the United States. The district will comply with the provisions of the Immigration and Naturalization Service (INS) Regulations under the Act by requiring employees of the district to complete an INS Form I-9. It requires all new employees to present evidence of employment eligibility and requires employers to verify that eligibility.

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Newly hired employees must complete the form no later than three days following their first working day. If unable to provide the required document or documents, the individual must present a receipt for the application for the document or documents within three business days of the hire and present the required document or documents within 21 days of the hire.

The district will maintain completed Form I-9 in a file separate from other personnel records in order to prevent unauthorized review of personnel files.

The district will retain Form I-9 for three years after the date of hire or one year after the date the individual's employment is terminated, whichever is later.

The district participates in the federal E-Verify program and will verify the employment authorization of each new employee through this federal program.

*See policy GBEBDA\* Criminal Record Checks.*

Adopted 7/23/85; Revised 9/8/87, 10/27/87, 6/25/91, 2/11/92, 3/24/92, 11/27/01, 2/28/06, 5/12/09, 10/13/09, 9/28/10

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### Legal references:

#### A. United States Code:

1. 20 U.S.C. Sections 1681-86 - Prohibits discrimination on the basis of sex.
2. 42 U.S.C. 2000e, et seq. - Prohibits discrimination in hiring based on race, color, national origin, religion or sex.
3. 42 U.S.C. 12101, et seq. - Prohibits employment discrimination on the basis of disability.
4. Public Law 107-110 - No Child Left Behind, revised Elementary and Secondary Education Act (ESEA) of 2001, Title 1, Part A, Subpart 1, Section 1119 - Qualifications for teachers and paraprofessionals.
5. Public Law 99-603 - Immigration Reform and Control Act of 1986.
6. Public Law 104-208 - Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

#### B. Code of Federal Regulations:

1. 41 CFR 60-20 (1998) - Prohibits discrimination on the basis of sex.

#### C. S. C. Code, 1976, as amended:

1. Section 1-1-550 - School districts shall give preference to employment of honorably discharged veterans.
2. Section 59-1-510 - Guidelines and regulations for recruitment and hiring staff in professional areas.
3. Section 59-1-520 - Intervention by State Department of Education for non-compliance.
4. Section 59-19-80 - Requirements as to purchases and teacher employment (teaching contracts to be issued in public meeting).
5. Section 59-25-410, et seq. - Employment and Dismissal Act - Teachers to be notified of employment status by April 15th.
6. Section 59-26-40(M) - Before initial employment of a teacher, the local school district shall request a criminal record history from the South Carolina State Law Enforcement Division for past convictions of any crimes.
7. Section 59-18-1300 - District accountability system.
8. Section 9-1-1790 - Amount which may be earned upon return to covered employment.
9. South Carolina Illegal Immigration Reform Act (Act 280 of 2008).
10. Section 16-1-60 - Violent crimes defined.
11. Section 23-3-115 - Fees for criminal record searches conducted for charitable organizations.
12. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.

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13. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
  14. Section 59-19-117 - Background checks.
  15. Section 59-25-150 and 160 - Revocation or suspension of certificate; "just cause" defined.
- D. State Board of Education Regulations:
1. R43-205 - Administrative and professional personnel qualifications, duties and workloads.