

PROFESSIONAL STAFF HIRING

Code **GCF** Issued **10/18**

Through its employment policies and procedures, the district will strive to attract, secure, and hold the highest qualified personnel for all professional positions.

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 for which they are being recommended. Principals should be actively involved in the hiring of personnel for their school.

All vacancies will be filled on the basis of fitness, qualifications, and suitability for the specific position. There will be no discrimination in making such appointments by virtue of race, religion, sex (including pregnancy, childbirth, or any related medical conditions), color, disability, age (40 or older), genetic information, national origin, or any other applicable status protected by local, state, or federal law. The quality of the educational program is enhanced by staff members with a wide variation in background, culture, educational preparation, and previous experience.

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

The superintendent may use a "Letter of Intent" to assure a prospective employee of a forthcoming recommendation to be hired.

The district board will make the final decision regarding employment of professional personnel in the district. Terms of employment (e.g., salary, number of annual work days, daily work hours) will be determined based on the established salary schedules set by the board.

Federal and state laws prohibit employers from hiring aliens not legally eligible to work in the United States. They also require all new employees to present evidence of employment eligibility and require employers to verify that eligibility.

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 to hire retired employees to work in the district on an "as needed" basis 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. 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.

For required criminal record checks on new employees, see policy GBEBDA* Criminal Record Checks.

Cf. GBEBDA*, GCB

Adopted 7/1/75; Revised 10/16/84, 8/13/91, 10/13/92, 10/14/97, 9/14/99, 3/8/05, 10/14/08, 9/14/10, 10/9/18

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Legal References:

A. Federal Law:

1. Age Discrimination in Employment Act (ADEA), 29 U.S.C.A. Section 621, *et seq.*
2. Americans with Disabilities Act (ADA), 42 U.S.C.A. Section 12101, *et seq.*
3. Every Student Succeeds Act, Pub. L. No. 114-95 - Requisite teacher qualifications.
4. Genetic Information Nondiscrimination Act of 2008 (GINA), 42 U.S.C.A. Section 2000ff, *et seq.*
5. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C.A. Section 274a.2 and 1324a.
6. Rehabilitation Act of 1973, Section 504, 29 U.S.C.A. Section 794.
7. Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e, *et seq.*
8. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Sections 1681, *et seq.*
9. Uniformed Services Employment and Reemployment Act of 1994, 38 U.S.C.A. Section 4301, *et seq.*

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

1. Section 1-1-550 - School districts required to give employment preference to honorably discharged veterans.
2. Section 1-13-30 - Definitions.
3. Section 16-3-755 - Sexual battery with a student.
4. Section 59-1-510 - Guidelines and regulations for recruitment and hiring staff in professional areas.
5. Section 59-1-520 - Intervention by South Carolina Department of Education for non-compliance.
6. Section 59-18-1300 - Principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school.
7. Section 59-19-80 - Requirements as to purchases and teacher employment (teaching contracts to be issued in public meeting).
8. Section 59-25-410 - Notification of employment for ensuing year; notification of assignment.

C. State Board of Education Regulations:

1. R43-205 - Administrative and professional personnel qualifications, duties, and workloads.