

## SUPPORT STAFF HIRING

Code **GDF** Issued **10/18**

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Through its employment policies and procedures, the district will strive to attract, secure, and retain the highest qualified personnel for support positions. The superintendent employs all support staff.

It is the superintendent's responsibility to ensure that all persons employed meet the qualifications established for the particular position for which they are hired. The superintendent will establish an interview and selection procedure that will allow principals or supervisors an opportunity to be actively involved in the selection of an employee for their school. However, the superintendent will make or approve the final selection.

The superintendent will consider all candidates based on the needs of the district as well as on their merits and qualifications. The district will not discriminate or give preferential treatment with regard to 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 district will make reasonable accommodations to known physical or mental limitations of otherwise qualified disabled persons where such accommodations would not impose an undue hardship on the operation of district programs.

The district will not employ any candidate without a personal interview by the appropriate supervisor.

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 if 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 district. 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\*

Adopted 8/13/91; Revised 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, 29 U.S.C.A. Section 621, *et seq.* - Nondiscrimination on

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- the basis of age in employment.
2. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.* - Prohibits employment discrimination on the basis of disability.
  3. Every Student Succeeds Act, Pub. L. No. 114-95 - Requisite teacher qualifications.
  4. Genetic Information Nondiscrimination Act of 2008, 42 U.S.C.A. Section 2000ff, *et seq.* - Prohibits discrimination on the basis of genetic information.
  5. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C.A. Section 274a.2 and 1324a - Requires verification of immigration status of all new employees.
  6. Rehabilitation Act of 1973, Section 504, 29 U.S.C.A. Section 794 - Prohibits discrimination on the basis of disability.
  7. Title VII of the Civil Rights Act of 1964, 42 U.S.C.A Section 2000e, *et seq.* - Prohibits discrimination in hiring based on race, color, national origin, religion, or sex.
  8. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Sections 1681-86 - Prohibits discrimination on the basis of sex.
  9. Uniformed Services Employment and Reemployment Rights Act (USERRA), 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 16-3-755 - Sexual battery with a student.
  3. Section 59-1-520 - Intervention by South Carolina Department of Education for non-compliance.
  4. Section 59-18-1300 - Principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school.
  5. Section 59-19-117 - Criminal record search for individuals hired by school districts.
- C. State Board of Education Regulations:
1. R43-209 - Support personnel/paraprofessional personnel positions, qualifications, and duties.