

Policy

CLASSIFIED STAFF RECRUITMENT & HIRING

Code GCC/D Issued 12/15/21

It will be the policy of the Board to recruit and hire classified employees on the basis of qualifications and merit.

Furthermore, it is the policy of the Board that minority classified employees receive fair and equal treatment under each district, state and federal program, including but not limited to employment opportunities and selection for training programs.

The Board recognizes that the implementation of policies designed to provide quality educational programs is highly dependent upon the full and effective use of qualified individuals, regardless of race, color, religion, disability, marital status, national origin, creed, immigrant status, limited English speaking status, political affiliation, ancestry, sex or age, except when sex or age is a bonafide occupational qualification.

Background Checks

Criminal record history checks on all new employees using names, social security numbers, birthdates and/or fingerprints must be obtained from the State Law Enforcement Division (SLED) and from an agency that will conduct national criminal record history checks before an employee's initial employment.

- The costs for the background checks for new employees will be paid by the state and/or the district.
- The district will consider the results of all criminal record history checks on an individual basis and will determine how the information impacts the individual's ability to be an effective employee.
 - When determining the appropriateness of offering employment to an individual, the administration will give consideration to such things as
 - severity of offense,
 - age of the individual,
 - direct impact of the offense on children,
 - length of time since conviction or plea,
 - restitution,
 - conduct or remedial actions during probation and
 - participation in pre-trial intervention and/or expungement.
- At a minimum, the district will not employ individuals who have been convicted of or

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plead guilty to a violent crime as defined in S. C. Code Ann. § 16-1-60.

- The district may conduct background checks at other times after initial employment, if deemed warranted.

National Sex Offender Registry checks

Background checks on the *National Sex Offender Registry* will be obtained on all new employees before their initial employment.

- The checks may be accessed online at no charge.
- The checks will be conducted on all new employees, whether employed on a
 - full-time,
 - part-time,
 - regular,
 - interim or
 - temporary basis.
- The checks will also be conducted on all volunteers, including
 - coaches,
 - mentors,
 - chaperones, and
 - those serving in any other capacity resulting in direct interaction or contact with students.
- Individuals whose names appear on the *National Sex Offender Registry* will not be permitted to serve in the district in any capacity.
- Additionally, the District will not employ individuals or allow individuals to volunteer in any capacity, who have been required to register as sex offenders pursuant to S.C. Code Ann. § 23-3-430.
- Should an individual whose name appears on the National Sex Offender Registry wish to provide additional information relevant to his/her designation on said registry, the district will consider the matter on a case-by-case basis.

The superintendent employs classified employees on behalf of the Board and will assure that each person employed meets the qualifications established for his position. Each candidate will be considered based on the needs of the district and on the candidate's merits and qualifications.

Should a vacancy occur in a classified position during the year, the board authorizes

- the superintendent/designee to determine
 - whether advertisement of the vacancy is necessary **or**
 - whether the position may be filled through some other means.

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The superintendent may rehire retired employees as classified staff when their employment will serve the best interests of the school district.

The Immigration Reform and Control Act of 1986 (P.L. 99-603) prohibits an employer from hiring any alien not legally eligible to work in the United States.

The act requires each employee hired by the district after November 7, 1986, who is still employed on May 31, 1987, as well as each employee hired after June 1, 1987, to present evidence of employment eligibility. The act also requires an employer to verify that eligibility. Each newly hired employee must complete the form no later than three days after his first working day.

Adopted 10/16/18; Revised 12/14/21

Legal references:

- A. United States Code:
 - 1. 20 U.S.C. Sections 1681-86 – Prohibition of discrimination on the basis of sex
 - 2. 38 U.S.C. 2012 – The Rehabilitation Act of 1973 – Prohibition of discrimination in hiring based on handicap
 - 3. 42 U.S.C. 2000 – (e) et seq. – Prohibition of discrimination in hiring based on race, color, national origin, religion or sex
 - 4. 29 U.S.C.A. Section 794 *et seq.* – The Rehabilitation Act of 1973 – Prohibits discrimination in hiring based on disability.
 - 5. Public Law 99-603 – Immigration Reform and Control Act of 1987.
 - 6. 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.
 - 7. Public Law 104-208 – Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

- B. Code of Federal Regulations:
 - 1. Title 45, Section 86.53 – Prohibition of discrimination on the basis of sex
 - 2. Final Regulations issued by INS in response to passage of the Immigration Reform and control Act of 1986 (P.L. 99-603) [Federal Register, May 1, 1987]
 - 3. 8 CFR 274a.2 – Verification of employment eligibility.
 - 4. 41 CFR 60-20 (1998) – Prohibits discrimination on the basis of sex.

- C. South Carolina Code, 1976, as amended:
 - 1. Section 1-1-550 – School districts will give preference to employment of honorably discharged veterans
 - 2. Section 16-1-60 - Violent crimes defined
 - 3. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations
 - 4. Section 23-3-115 – Fees for criminal record searches conducted for charitable organizations
 - 5. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration
 - 6. Section 59-19-117 – Background checks
 - 7. Section 59-25-160 - Revocation or suspension of certificate; "just cause" defined
 - 8. Section 9-1-1790 – Regulations regarding retirees returning to employment
 - 9. Section 59-1-520 – Intervention by State Department of Education for non-compliance.
 - 10. Section 59-18-1300 – District accountability system.
 - 11. South Carolina Illegal Immigration Reform Act (Act 280 of 2008).

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- D. State Board of Education Regulations:
 - 1. R-43-209 – Nonprofessional/paraprofessional personnel positions, qualifications and duties.