

## SUPPORT STAFF HIRING

Code **GDF** Issued **1/19**

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Purpose: To establish the basic structure for the hiring of support staff.

The director employs all support personnel.

It is the director's responsibility to ensure that all persons employed meet the qualifications established for the particular position. The director 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 building. However, the director will make or approve the final selection.

The director will consider all candidates based on the needs of the center as well as on their merits and qualifications. The center 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 center will make reasonable accommodation to known physical or mental limitations of otherwise qualified disabilities where such accommodation would not impose an undue hardship on the operation of center programs.

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

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. It requires all employees hired after June 1, 1987, to present evidence of employment eligibility and requires employers to verify that eligibility. Newly hired employees must complete the form no later than three (3) days following their first working day.

The director is authorized to hire retired employees to work in the center on an as needed basis when their employment would serve the best interests of the center. 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 center. The decision to employ or not employ retired employees will not be subject to the center's grievance procedures.

Adopted 1/02; Revised 1/19

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### Legal References:

#### A. United States Code of Laws, as amended:

1. Age Discrimination in Employment Act of 1967, 29 U.S.C.A. Section 621, *et seq.*
2. Age Discrimination Act of 1975, 42 U.S.C.A. Section 6101, *et seq.*
3. American with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
4. Equal Pay Act of 1963, 29 U.S.C.A. Section 206.
5. Genetic Information Nondiscrimination Act of 2008, 42 U.S.C.A. Section 2000ff, *et seq.*
6. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq.*
7. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq.*
8. Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e, *et seq.*
9. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq.*
10. Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C.A. Section 4301, *et seq.*

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

1. Section 1-1-550 - School districts required to give employment preference to honorably discharged veterans.
2. Section 1-13-10, *et seq.* - Prohibits discrimination on the basis of race, religion, color, sex (including pregnancy, childbirth, or related medical conditions), age, national origin, or disability.
3. Section 1-13-80 - Unlawful employment practices; exceptions.
4. Section 59-1-510, *et seq.* - Guidelines and regulations for recruitment and hiring staff in professional areas.
5. Section 59-18-1300 - Principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school.
6. Section 59-19-80 - Requirements as to purchases and teacher employment (teaching contracts to be issued in public meeting).
7. Section 59-19-510, *et seq.* - Right of unsuccessful applicant to file grievance; board may review matters arising from the construction or administration of school policies.
8. Section 59-25-410 - Notification of employment for ensuing year; notification of assignment.

C. S.C. State Board of Education Regulations:

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