

7.1000 RECRUITMENT AND SELECTION OF PERSONNEL

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*
Americans With Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*
Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703
Equal Pay Act of 1963, 29 U.S.C. 206
Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*
Military Selective Service Act, 50 U.S.C. Appx. 453
Rehabilitation Act of 1973, 29 U.S.C. 794
Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*
Uniformed Services Employment and Reemployment Rights Act of 1994,
38 U.S.C. 4301 *et seq.*
8 U.S.C. 1101 *et seq.*
G.S. 14-208.18; 114-19.2; 115C-36, -47, -332; 126-7.1(f), -16; 127A-202.1; 127B-10, -12, -
14; 143B-421.
16 N.C.A.C. 6C .0313

Cross References: 5.0220/7.4878 Registered Sex Offenders

I. GENERAL PRINCIPLES

A. **Non-Discrimination**: It is the policy of the Board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other benefits of employment without regard to race, color, religion, national origin, military affiliation, sex, age, or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions.

B. **Diversity**: The Board also is committed to diversity throughout the programs and practices of the school. To further this goal, the recruitment and employment program shall be designed to encourage a diverse pool of qualified applicants.

II. RECRUITMENT

Recruitment for specific vacancies will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained. Internal candidates will be considered first for all vacancies.

If any vacancy is not filled through initial recommendation of an internal candidate, it will be posted on the FLA website and Facebook page (and other local media outlets as determined by the Principal). If the Principal is still not able to make a recommendation for hiring from these postings, still-open positions will be publicized nationally and state-wide. Previously-considered candidates may be reconsidered once these options have been exhausted.

Once posted, all open positions will be considered open until filled.

III. CRIMINAL HISTORY

A. Reporting of Criminal Offense: All FLA employees and active applicants for current vacant positions must notify the Principal and the Board immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than minor traffic violations (i.e., speeding, parking, or lesser violation). Such notice must be in writing, must include all pertinent facts, and must be delivered to the Principal no later than the next scheduled business day following the arrest, charge, or conviction, unless the employee or applicant is hospitalized or incarcerated, in which case the employee or applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee or applicant must report the disposition and pertinent facts in writing to the Principal and to the Board no later than the next business day following adjudication.

B. Criminal History Background Check: A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment. All such checks shall be conducted in accordance with state law and any procedures established by the Board, the State Board of Education, or the NC Department of Public Instruction. The cost of all such checks shall be borne by the Board. If a final candidate for employment or hiring as an independent contractor is found to have a criminal history, other than for minor traffic offenses, the Principal shall determine whether the individual is otherwise qualified for employment despite the criminal history by considering, among other things, whether or not the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. If the Principal recommends such a candidate to the Board for employment, the Board must be notified of the criminal history and the basis for the Principal's determination.

All persons applying to work directly with FLA students, including, but not limited to, substitute teachers, non-staff coaches, field trip chaperones, and classroom and/or extracurricular volunteers shall also be subject to criminal history background checks and checks of sex offender registries. The cost of these checks shall be borne by the individual applicants.

Exception: all duly-sworn North Carolina public law enforcement personnel and all current active or reserve U.S. military personnel shall be exempt from the requirements for background checks detailed in this policy upon their presentation of a current, valid law enforcement or U.S. military identification upon their arrival on the FLA campus or at a place where FLA students are engaging in a school-sponsored trip, event, or activity. This provision applies to all local, state, and federal law enforcement personnel including – but not limited to – local police, county sheriff's deputies, state Highway Patrol officers, SBI, FBI, Bureau of Prisons personnel, etc.

C. Sex Offenders: No individual who is a registered sex offender subject to the provisions of policy 5.0260/7.4878 Registered Sex Offenders will be hired for any position with Falls Lake Academy. In addition, each contract executed by the Board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5.0260/7.4878 Registered Sex Offenders.

IV. SELECTION

A. Qualifications: Candidates for employment must be selected based upon their likely ability to fulfill duties identified in the job description for the position for which they are being considered as well as performance standards established by the Board. In making such determination, the following information must be considered:

- 1) FLA staff application
- 2) Education and training

- 3) Licensure and certification (when applicable)
- 4) Relevant experience
- 5) Personal interviews
- 6) Check of references

B. Nepotism: When making recommendations for the selection and assignment of personnel, the Principal shall attempt to avoid situations in which one employee or Board member occupies a position in which he or she has influence over the employment status, including hiring, salary, and/or promotion, of another employee who is a member of the first employee's or Board member's family. The Board recognizes, however, that the FLA community is a small subset of a small community, and such avoidance may not always be either practical or advisable when seeking the best possible employees for open positions. Therefore, when a member of a Board member's or FLA administrator's family is deemed the best possible applicant for an open position from among the pool of available applicants, the Principal shall make all documentation outlining his/her recommendation decision available to the Board and the Board member and/or administrator shall recuse himself/herself/themselves from the closed session(s) and discussion(s) in which the Board considers the recommendation to hire that applicant.

If an applicant who is related to an FLA administrator is vetted through this process and is approved by the Board absent the recused Board member(s) and/or administrator(s), the Board shall name a second employee to serve as an additional contributing supervisory presence over the new employee in addition to the FLA administrator in question, who shall retain primary responsibility for the new employee's supervision as though he/she were not related to the new employee. The second employee so named shall have no actual supervisory responsibility over the new employee other than that which he/she may have had already, but shall be responsible for advising the FLA administrator who supervises his/her family member on any impropriety or appearance of same with regard to possible favoritism or undue discrimination.

C. Employment Procedures: All applicants selected for employment must be recommended by the Principal and approved by the Board. In situations where the employee must be hired between Board meetings, the Principal is authorized to approve the provisional hiring of such personnel, contingent upon official approval by the Board at its next meeting. Where applicable, state guidelines should be followed in selection and employment procedures if possible.