

Policy Code: 7100 Recruitment and Selection of Personnel

A. General Principles

The Wake County Board of Education considers the quality of the school system's staff to be critical to attaining excellence in education. The Board endeavors to employ only those individuals who have demonstrated excellence in their preparation and/or performance with the potential to positively contribute to the educational process.

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, genetic information, sex (**including pregnancy and childbirth**), age, sexual orientation, transgender or gender identity, 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. All employment decisions will be consistent with the Board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

To further the Board's commitment to diversity, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants. The Board endeavors to recruit staff that reflects the diversity of the Wake County community and the students that attend the Wake County Public Schools.

B. Recruitment

Recruitment for a specific vacancy will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained. No one shall be hired to fill a position until the position has been incorporated into the current budget by the finance officer.

All vacancies shall be posted online a minimum of five (5) calendar days prior to filling the vacancies, except for hardship, lateral transfers, and/or circumstances affecting the instruction of students which warrant filling the position sooner.

C. Criminal History

Applicants must notify the assistant superintendent of human resources immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the assistant superintendent of human resources no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the assistant superintendent of human resources no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment, including substitute personnel. Criminal history checks must be conducted in accordance with state law and any procedures established by the Superintendent. At a minimum, the following criminal records checks shall be conducted:

1. In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check
2. In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct record checks in all states identified.

School officials shall not require candidates to disclose any expunged criminal records (arrests, charges, and/or convictions) and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The Superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, if the criminal record check is completed through the North Carolina Department of Justice, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor may be denied a position based on past or pending criminal conduct or charges if the criminal conduct is job- related and/or is consistent with business necessity. If a final candidate is found to have been convicted or charged of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether 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. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the Superintendent may exclude a final candidate based on his or her past criminal convictions, the Superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

The Board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender will be hired for any position with the school system.

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.

D. Selection

1. Qualifications

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

- a. application;
- b. education and training;
- c. licensure and certification (when applicable);
- d. relevant experience;
- e. interviews;
- f. references and/or background checks; and
- g. other relevant information related to the applicant's performance and conduct

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given strong consideration.

2. Nepotism

- a. For purposes of this subsection, the following definitions apply.
 - i. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
 - ii. "Central office staff administrator" includes all central services administrators including but not limited to directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, and superintendents.
- b. Before any immediate family of any Board of Education member, central office staff administrator, or principal is employed by the Board or engaged in any capacity as an employee, independent contractor, or other paid role, (1) the Board member or central office staff administrator must disclose the immediate family relationship to the Board and (2) the prospective employment or engagement must be approved by the Board in a duly called open session meeting.
 - i. Job applicants shall be required to disclose known immediate family relationships to the assistant superintendent for human resources or designee during the hiring process.
 - ii. Central office staff administrators and principals shall notify the assistant superintendent for human resources or designee of any immediate family relationship in a timely manner. This notification shall be deemed disclosure to the Board. The assistant superintendent of human resources is responsible for conveying the disclosure to the Board before the Board takes action on the prospective employment or engagement.
 - iii. Any central office staff administrator or principal who knowingly fails to disclose any immediate family relationship to the Board as required will be subject to disciplinary action up to and including dismissal.

c. When making recommendations for the selection and assignment of personnel, the Superintendent or designee shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family; a cousin, aunt/uncle, niece/nephew; and/or anyone living in the employee's household.

d. No administrative or supervisory personnel may directly supervise or evaluate a member of his or her immediate family; a cousin, aunt/uncle, niece/nephew; and/or anyone living in the employee's household.

3. Employment Procedures

All applicants selected for employment must be recommended by the Superintendent and approved by the Board. In situations in which the employee is hired between Board meetings, the Superintendent or designee is authorized to approve the employment on a temporary basis pending Board approval at its next regularly scheduled meeting.

State and federal guidelines must be followed in selection and employment procedures. New employees' legal status or authorization to work in the United States shall be verified as required by law, prior to employment with the school system.

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.](#); Genetic Information Nondiscrimination Act of 2008, [42 U.S.C. 2000ff 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.](#); [Bostock v. Clayton County, 590 U.S. , 140 S. Ct. 1731 \(2020\)](#); [Bostock v. Clayton Cty., Georgia, 140 S. Ct. 1731, 1734, 207 L. Ed. 2d 218 \(2020\)](#); [Green v. Missouri Pacific Railroad, 523 F.2d 1290 \(8th Cir. 1975\)](#); [Grimm v. Gloucester Cty. Sch. Bd., 972 F.3d 586 \(4th Cir. 2020\), as amended \(Aug. 28, 2020\)](#); [Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#), U.S. Equal Employment Opportunity Commission (April 25, 2012) available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; [G.S. 14-208.18; 15A-153; 115C-12.2, -36, -47, -276\(j\), -332; 126-7.1\(i\), -16; 127A-202.1 et seq.; 127B-10, -12, -14; 143B-421.1, -931; Leandro v. State, 346 N.C. 336 \(1997\); 16 N.C.A.C. 6C .0313](#); State Board of Education Policy [BENF-009ies](#) [TCP-C-017](#) and [TCP-D-009](#)

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Wake County Board of Education