

CLASSIFIED PERSONNEL – HSD Policy – GCD

DEFINITION

Classified non-instructional personnel are "at will" employees whose duties do not require a certificate (or license) issued by the Mississippi Department of Education. Classified employees have no property rights in their employment, which may be terminated without notice at any time by either the employee or the employer.

AUTHORITY

Within the limits of the available funds, the superintendent shall recommend to the school board thereof all non-instructional employees to be employed and may prescribe the duties thereof. Compensation for such employees may be paid from any lawful funds. ' 37-9-3 (1987)

The superintendent has the power, authority and duty to make assignments to the various schools in the district of all non-instructional and non-licensed employees, as provided in Section 37-9-17, and to make reassignments of such employees from time to time. ' 37-9-14 (2) (s) (1999)

The superintendent has the power, authority and duty to employ and dismiss non-instructional and non-licensed employees as provided by law. ' 37-9-14 (2) (y) (1999)

This board has the power, authority and duty to employ all non-instructional and non-certificated employees and fix the duties and compensation of such personnel deemed necessary pursuant to the recommendation of the superintendent of schools. ' 37-7-301 (w) (1996)

APPLICATION

Candidates for non-certificated positions shall make formal application with the appropriate supervisor, principal or superintendent of schools. The candidate shall provide letters of recommendation by former employers and records of specific training for the position for which application is being made. In cases where specific training is required by a state or federal agency the school board will be guided by these specific requirements.

CRIMINAL RECORDS BACKGROUND CHECK / CHILD ABUSE REGISTRY CHECK Overview of Senate Bill 2658 / ' 37-9-17 (2) (2000)

On May 22, 2000, the Governor signed SB 2658 into law. It provides for an implementation date of July 1, 2000, and mandates the following actions:

1. All new hire licensed and non-licensed employees after the implementation date must have a state child abuse registry check and criminal records background check via fingerprint card.

2. The cards will be forwarded by the school district to the Department of Public Safety who will in turn forward them to the FBI.
3. The district may charge the applicant up to \$50.00 or may pay the fee at its discretion.
4. Information obtained via these checks is for employment use only and cannot be disseminated.
5. Applicants are ineligible for employment if checks disclose a guilty plea, conviction, or nolo contendere plea to a felony conviction for:
 - a. Possession or sale of drugs.
 - b. Murder, Manslaughter, or Armed Robbery.
 - c. Rape, Sexual Battery, or sex offense as listed in Section 45-31-3 (1).
 - d. Child Abuse, Arson, Grand Larceny, or Burglary.
 - e. Gratification of Lust or Aggravated Assault.
6. If the school district has hired an applicant contingent upon a background check and derogatory information is obtained, that applicant's contract is voidable at the time of the report and the applicant's contract should so state.
7. The school board may, at its discretion, waive any convictions and hire an applicant with a criminal record based on:
 - . Age at commission of the crime.
 - a. Circumstances surrounding the crime.
 - b. Length of time and criminal history since the crime.
 - c. Work history and current employment and character.
 - d. Other evidence demonstrating the ability of the person to perform the job and does not pose a threat to the health or safety of the school children.
8. No school district or employee may be held liable in an employment discrimination suit involving this statute.
9. The checks are required for new hire personnel (licensed and non-licensed) after July 1, 2000. The school district may hire applicants and let them work contingent upon the successful completion of the criminal background check.

CONVICTION BASED ON ERRONEOUS INFORMATION

In the event an applicant wishes to contest a conviction based on erroneous information the applicant shall appeal the information to the Department of Public Safety. The applicant will show the school board or its designee proof of the corrected record.