



TO: Board Members

FROM: Chris Ragsdale

DATE: February 26, 2015

SUBJECT: Modifications to Administrative Rules for
March 11, 2015 Board Work Session

VIA EMAIL

The Superintendent recommends the following revisions to Administrative Rules:

Administrative Rule GAAA-R (Equal Opportunity Employment)

Administrative Rule GAAA-R provides guidance regarding the implementation of Board Policy GAAA. During a recent review of recruitment and employment practices, Human Resources, in conjunction with Gregory, Doyle, Calhoun and Rogers has proposed updated language.

On behalf of the Human Resources Division, Policy, Planning and Student Support recommends the following changes to Administrative Rule GAAA-R:

1. Revision of language regarding equal employment opportunities

Administrative Rule GARC-R (Employee Recruitment)

Administrative Rule GARC-R provides guidance regarding the implementation of Board Policy GARC. During a recent review of recruitment and employment practices, Human Resources, in conjunction with Gregory, Doyle, Calhoun and Rogers has proposed updated language.

On behalf of the Human Resources Division, Policy, Planning and Student Support recommends the following changes to Administrative Rule GARC-R:

1. Revision of language regarding job announcements

Gregory, Doyle, Calhoun & Rogers has reviewed all suggested changes and concurs with Administration.

Administration is providing this information in compliance with Board of Education Policy BDF (Review of Administrative Rules), which reads:

“The proposed Rule(s) shall be sent to the Board for their review in advance of issuance. Specifically, their review shall include at least the ten (10) days immediately prior to the next Board Work Session. If no objection is indicated by Board member(s) to the Chair prior to the adjournment of the Board Work Session, the Rule(s) shall be deemed accepted.”



DISTRICT ADMINISTRATIVE RULE

GAAA-R Equal Opportunity Employment

7/19/12 ~~7/19/15~~

RATIONALE/OBJECTIVE:

The Cobb County School District (District) is an equal opportunity employer, and does not consider any legally-protected status in its employment actions regarding applicants and employees. The District will not tolerate harassment, discrimination or retaliation against any employee based upon legally-protected status. The District is committed to hiring, promoting, and retaining the best qualified persons for all positions; and will provide equal access, opportunity, and respectful treatment in all aspects of the employment process.

RULE:

A. GENERAL PROVISIONS:

1. It is the District's Rule that all personnel whose responsibilities include recruitment, hiring and selection, compensation, retention, promotion, training and development opportunities, work assignments, performance management, discipline, reduction in force, discharge, or non-renewal will regularly assure that equal employment opportunities are being afforded.
2. The District will select employees according to the requirements of the job. Selection or rejection will be based on the ability of the individual to perform the essential functions of a job, consistent with valid safety requirements. Employment decisions will be free from consideration based on race, color, religion, national origin, gender (including pregnancy and ~~sexual harassment~~ **related conditions**), age, disability, military status, or retaliation.
3. Requests for accommodation based on an individual's religion or disability should be forwarded to the ~~Professional Standards and Ethics Office in Human Resources Division~~ **appropriate Human Resources office** for consideration.
4. Employment advertisements and recruitment information shall contain assurances of equal employment opportunity and shall comply with federal and state laws regarding discrimination.
5. The District is committed to equal employment opportunity in all personnel actions and seeks to provide a harmonious and respectful work environment for all employees. In furtherance of this commitment the District will, from time to time but at least every three years, conduct diversity and equal employment opportunity ~~workshops~~ **trainings** which will be open to all employees.

B. PROCEDURES:

1. Employees who feel they have been **harassed**, discriminated, **or retaliated** against should **promptly** contact the ~~Professional Standards and Ethics Office~~ **Employee Relations office**, Human Resources Division to report their complaints. **The complaint procedures in this rule apply to all unlawful forms of discrimination, retaliation and harassment.**
 - a. **If the alleged offending individual is the designated Human Resources representative, the complaint shall be made to the Superintendent. If the offending individual is the Superintendent, the complainant shall make the complaint to the School Board's designated officer, who shall make the other Board officers aware of the complaint. The complainant can contact the designated Human Resource representative for the name of the Board officer.**

2. **Unlawful retaliation**, discrimination or harassment ~~based on a protected category~~ is grounds for disciplinary action, up to and including termination (Administrative Rule GBK-R [Professional Personnel Suspension]).
3. **Investigations:**
 - a. Employees are required to cooperate in ~~discrimination complaint~~ investigations **of any complaint about discrimination, retaliation or harassment**.
 - b. To protect the integrity of Equal Employment Opportunity investigations, the presence of third parties during interviews is limited to non-attorneys and non-employees.
4. It is a violation of law and District Policy (Board Policy SD-4 [Treatment of Staff]) to retaliate against an employee who files a discrimination complaint, participates as a witness, or seeks ADA-based (Americans with Disabilities Act) reasonable accommodation.
5. When notified of a discrimination complaint, all individuals with pertinent records, regardless of the format (electronic or non-electronic), should take immediate steps to preserve the information.
6. Consistent with the District's inclusive employment philosophy, all employees are expected to avoid engaging in conduct including but not limited to the following examples (contact the ~~Professional Standards and Ethics Office~~ **Employee Relations office** if there are questions):
 - a. Teasing and unkind "jokes", insults, or degrading remarks ~~about an individual's personal characteristics~~ **in reference to or based upon an individual's legally protected status**; or
 - b. Placement or display of offensive or derogatory visual items.
7. All employees, including new hires, will have access to this Rule which shall also be posted on the District's Website.
8. Administrators and department heads are responsible for insuring that the federal equal employment opportunity postings are displayed on bulletin boards at every District facility.
9. This Administrative Rule is not intended to be read as an expansion of any existing Federal or State law.

C. APPLICATIONS FOR EMPLOYMENT:

1. All applicants with an active, complete application will be given consideration for employment. Each application will be maintained on active file for one (1) year from the date of its receipt by Human Resources Division.
2. Applications on file for more than one (1) year shall not be considered and such applicants shall not be eligible for employment unless a new application is tendered.
3. No applicant may be considered for any position, including promotion, without a current and complete application in the active file, regardless of past employment status with the District.

D. EMPLOYMENT PRACTICES:

To the extent possible, all applicants deemed equally qualified will receive equal treatment and consideration.

1. All employees involved in the hiring process will endeavor to apply employment practices consistently and with uniformity, including practices relating to assessment of applications and interviewing.
2. The hiring manager at each worksite or school should provide written notice of its employment decisions to all interviewed applicants as soon as practicable.
3. All employees will be compensated equally on the basis of job classification, experience, training and ability.
4. Promotions of employees will be on the basis of qualifications and work record.
5. Appropriate vacancy lists will be available at all worksites. Position requirements and skills should be available at all worksites.

Adopted: 1976
Reviewed: 8/10/77
Revised: 9/23/82; 5/26/83; 8/8/84

105 Reviewed: 6/19/86
 106 Reclassified an Administrative Rule: 9/1/04
 107 Revised: 8/9/95; 8/14/98; 1/13/99; 2/22/01; 11/14/07; 1/13/10; 3/10/10
 108 Revised and recoded: 7/19/12 (Previously coded as Administrative Rule GBA)
 109 **Revised: ??/15**
 110
 111 Legal Reference
 112 O.C.G.A. 34-06A-0002 Equal Employment for persons with disabilities-Definitions
 113 O.C.G.A. 34-06A-0003 Inquiries by employer as to existence of disability; employment decisions based on disability
 114 O.C.G.A. 34-06A-0004 Prohibited discriminatory activities
 115 O.C.G.A. 34-06A-0005 Retaliation by employers against employees; labor organization members
 116 O.C.G.A. 34-06A-0006 Actions against persons engaged in unfair employment practices; remedies, court costs, and
 117 attorney's fees
 118 O.C.G.A. 45-19-0029 Fair Employment Practices Act of 1978-Unlawful practices generally
 119 O.C.G.A. 45-19-0031 Unlawful practices in advertisement of employment
 120 O.C.G.A. 45-01-0004 Whistleblower
 121 O.C.G.A. 20-02-0211.1 Clearance certificates issued by the Professional Standards Commission relating to fingerprint
 122 and criminal background checks
 123 O.C.G.A. 20-02-0211 Annual contract; disqualifying acts; fingerprinting; criminal record checks
 124 O.C.G.A. 30-01-0001 "Deaf person" defined
 125 O.C.G.A. 34-01-0002 Age discrimination in employment prohibited
 126 O.C.G.A. 34-05-0001 Discriminatory wage practices based on sex; (comp worth)
 127 34 CFR 104.7 Section 504 - Designation of responsible employee and adoption of grievance procedures
 128 34 CFR 100.7(c) Title VI - Conduct of investigations
 129 29 CFR 1691.5 Agency processing of complaints of employment discrimination - ADA
 130 34 CFR 106.8 Title IX - Designation of responsible employee and adoption of grievance procedures for sex
 131 discrimination
 132 42 USC 2000d 1964 Civil Rights Act
 133 20 USC 1703 Denial of equal educational opportunity prohibited
 134 29 USC 631 Age limits
 135 29 USC 623 Age Discrimination Act of 1967
 136 42 USC 12101 Americans with Disabilities Act of 1990
 137 29 USC 705 Rehabilitation Act of 1972
 138 20 USC 1681 Title IX of the Education Amendments of 1972



DISTRICT ADMINISTRATIVE RULE

GARC-R Employee Recruitment

7/19/12 **7/15**

RATIONALE/OBJECTIVE:

The Cobb County School District (District) believes that an active recruitment program is essential to attract the most competent and qualified personnel to work in Cobb County schools. The Superintendent or designee shall develop regulations. The purpose of recruitment is to assist all units of administration under the jurisdiction of the Cobb County Board of Education (Board) with the recruitment of personnel.

RULE:

Recruitment of personnel shall be subject to the following:

1. Job announcements shall be ~~sent to appropriate college/university placement offices which have the responsibility of assisting students in locating positions. Appropriate colleges and universities shall mean colleges and universities with approved preparation programs in the District's region of the state which corresponds to the region for the Regional Educational Services Director of the Department of Education~~ **advertised in accordance with federal and Georgia law as well as Board policy.**
2. Job announcements for specific positions ~~need to~~ **shall** contain the date of the announcement, the name of the contact person or office, address and/or telephone number, method of making application (letter of inquiry or telephone call), degree or degrees considered for position(s), type of Georgia certification needed, special qualifications, if any, and deadline date for making application, if applicable.
3. Job announcements shall be sent to Recruitment Services, State Department of Education. Posting of vacancies with Recruitment Services may be handled one of the following ways:
 - a. A job announcement similar to the one sent to the colleges and universities may be sent to Recruitment Services. To speed up the posting of vacancies, the District may telephone Recruitment Services, and the person answering the call will complete a form containing the information needed to post the vacancy(ies).
 - b. Job announcements may also be placed on the Internet.
4. Copies of specific job announcements sent to colleges and universities and Teacher Recruitment should be kept on file in the Human Resources Division. The names of recipients should be included on the job announcement kept on file.
5. The Human Resources Division may also announce vacant positions in the legal organ of the county and to colleges and universities in other states.
6. The Human Resources Division may maintain involvement of an active recruitment team of current certificated personnel to contribute ideas and resources to assist in recruiting. This team may request and utilize outside resources as needed.

Effective: 1/28/88

Revised: 6/27/91; 1/13/99; 2/22/01

Reclassified an Administrative Rule: 9/1/04

Revised: 11/14/07

Revised and recoded: 7/19/12 (Previously coded as Administrative Rule GCE)

Revised: 7/15

Legal Reference

49	O.C.G.A. 20-02-0211	Annual contract; disqualifying acts; fingerprinting; criminal record checks
50	O.C.G.A. 35-03-0035	Dissemination of criminal history records
51	O.C.G.A. 49-05-0110	Criminal background checks; definitions