

***Tales from the Trenches:  
Legal Issues in School District  
Human Relations***



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# *Homerun Hires!*



# *Swings and misses.*



# Overview

- **Board Policy**
- **Job Description**
- **Job Postings**
- **Job Applications**
- **Applicant Screening**
- **Interviewing and “Over-Interviewing”**
- **Background/Reference Checks**
- **Veterans’ Preference**
- **Hiring Recommendation**
- **Board Action**



# *Truth or Bull Hockey*

TRUTH



# Board Policy

- **General outline of hiring practices for district;**
- **How employment opportunities are published;**
- **All applicants must fill out an application;**
- **False or misleading information on an application = grounds for removal;**
- **Employee may be terminated if the employee fails a criminal background check or has a true report on the Child Maltreatment Central Registry (or has no license);**
- **Equal Opportunity Employer notice; and**
- **Veterans' Preference notice.**



# *Job Description*

- **Sets forth the requirements of the job;**
- **Helps you determine whether an applicant is qualified;**
- **Department, FLSA Status, Grade Level, Work Schedule, Contract Length, Full/Part Time, “Reports To,” Travel Required, Positions Supervised;**
- **Position Summary (General Description);**
- **Essential Functions;**
- **Reasonable Accommodations Statement;**
- **Qualifications, Skills & Abilities;**
- **Equal Opportunity Statement.**





# *Truth or Bull Hockey, Question #1*

**There are five (5) protected classes under Title VII of the Civil Rights Act of 1964.**



*Truth or Bull Hockey,  
Answer #1*

**TRUTH**



# *Job Postings*

- **Superintendent's Office;**
- **District Website;**
- **E-mail to All District Staff;**
- **School Spring Website (Statewide through AAEA);**
- **Other job posting websites.**



# *Job Applications*

- **Contact/Background Information;**
- **Personal Data;**
- **Veteran's Status;**
- **Language Skills;**
- **Computer/Technology Skills;**
- **Education History;**
- **Certification/Licensure;**
- **On a Current ALP?:**
- **Work Experience; and**
- **Professional References.**



# *Applicant Screening*

- **Is the application complete?**
- **Did the applicant follow directions?**
- **Does the applicant meet the requirements of the job description? (including required experience)**
- **Are there gaps in employment dates?**
- **Is there evidence of “job hopping?”**
- **Vague information/supervisors not listed?**
- **Emphasis on earlier experiences compared to later ones?**
- **Reasons for wishing to change jobs?**



# *Interviewing and Over-Interviewing*

- Always difficult to settle on a number of applicants to be interviewed;
- Have a pre-planned list of questions;
- Ask the same question to each applicant (but do not be afraid to follow up);
- Encourage the interviewee to ask questions.
- Too many interviews:
  - A waste of time for everyone;
  - Difficult to come to a consensus;
  - Prolongs decision-making period.



# *Good Questions . . .*

- **What do you like best about your current job?**
- **What do you like least?**
- **Questions about knowledge, skills, and experience.**
- **What aspects of your job do you consider to be most crucial?**
- **What do you believe are the major qualities this job demands?**
- **Why did you decide to become a teacher?**
- **Why do you want to work for the \_\_\_\_\_ School District?**



# *Bad Questions . . .*

- **Do you have children?**
- **Are you pregnant?**
- **Do you plan to become pregnant?**
- **Are you dating anyone right now?**
- **Are you married?**
- **Do you plan to be married?**
- **How old are you?**
- **What is your nationality or race?**
- **Do you have a disability?**
- **What is your religion?**





# *More Bad Questions . . .*

- **Have you ever had your wages garnished?**
- **Have you ever filed for bankruptcy?**
- **Have you ever filed for workers' compensation?**
- **Have you ever filed an employment discrimination lawsuit?**
- **What are your political affiliations?**



# *Truth or Bull Hockey, Question #2*

**A former employee of your school district applied for employment at another school district. The HR director of the new school district calls you for a reference. In response, you are only allowed by law to provide the following information:**

- Job title;**
- Dates of employment; and**
- Whether the employee is eligible for rehire.**



# Truth or Bull Hockey, Answer #2



# *Background/Reference Checks*

- **Contact references (not just the ones listed);**
  - Act 1039 of 2013
  - Amended Ark. Code Ann. § 11-3-204
  - Statutory immunity for TRUTHFUL information provided by employer
- **Verify employment experience;**
- **Verify license;**
- **Process criminal/DHS background checks;**
- **Receive and review transcripts;**
- **Verify veterans' preference.**



# *Truth or Bull Hockey, Question #3*

**School districts are required to provide five bonus points to an applicant who is a military veteran, regardless of the veteran's qualifications.**



# Truth or Bull Hockey, Answer #3



# Veterans' Preference

- Act 444 of 2013;
- Now codified at Ark. Code Ann. § § 21-3-302 and 21-3-303;
- Some provisions apply to school districts;
- Covers veterans, disabled veterans, and surviving spouses of a deceased veterans;
- Must be citizens of this state;
- Must meet substantially equal qualifications of other applicants.



# Veterans' Preference (Cont'd)

- **Veterans:**
  - Honorably discharged from active duty with the Armed Forces of the United States; or
  - Has served honorably in the National Guard or Reserves for at least six years (whether or not the person has been discharged).
- **Preference applies to interviewing and hiring;**
  - Does not apply to promotion decisions;
  - Does not apply to reduction in force (RIF) efforts.





# Veterans' Preference (Cont'd)

- **In order to qualify for the preference:**
  - **Veteran must indicate the appropriate status on the application;**
  - **Attach copies of DD Form 214; and**
  - **Documentation of disability (if applicable).**
- **How to demonstrate Veterans' Preference (for school districts)**
  - **No specific, legally required method for school district;**
  - **But you HAVE to be able to demonstrate how preference was given.**
  - **Examples:**
    - **(1) Districts that do not use a numerical scoring method;**
    - **(2) Districts that use a numerical scoring method.**



# *Hiring Recommendation*

- **Hiring official should have a checklist;**
- **Hiring package does not go to the board until it is complete;**
- **References have been checked and documented;**
- **Teacher is certified (attach copy of license);**
- **Applicant is aware of background check requirements;**
- **Applicant has a copy of salary schedule and calendar;**
- **Applicant informed that job offer contingent on board approval; and**
- **Contract conditions are listed.**



# Board Action

- **Common contract conditions (in the motion):**
  - Pending criminal background checks
  - Pending DHS Central Registry check
  - Verification of job experience
  - Presentation of official transcripts
  - Valid Arkansas teaching license in subject areas/grades taught
  - Highly qualified???



# *Truth or Bull Hockey, Question #4*

**An eligible employee uses all of his or her 12 weeks of FMLA leave but is still unable to return to work. A school district may dismiss the employee without further consideration.**



# Truth or Bull Hockey, Answer #4



# Conclusion

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# Contact Information

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