

Township of Union Public Schools Union, New Jersey Board of Education Policy	File Code: 4119.21
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NEPOTISM

The Board of Education, in order to avoid both the reality and the appearance of a conflict of interest in employment, has promulgated this policy to ensure the public trust in the conduct of Board actions regarding employment.

1. The definition of "Relative" means an individual's spouse, civil union partner pursuant to N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A. 26:8A-3, or the parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, of the individual or of the individual's spouse, civil union partner or domestic partner, whether the relative is related to the individual or the individual's spouse, civil union partner or domestic partner by blood, marriage or adoption.

The definition of "Administrator" means any officer, other than a board member, or employee of a local school district who (i) holds a position which requires a certificate that authorizes the holder to serve as school administrator, principal, or school business administrator; or (ii) holds a position which does not require that the person hold any type of certificate but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district; or (iii) holds a position which requires a certificate that authorizes the holder to serve as supervisor and who is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district;

The definition of "Member of immediate family" means the spouse or dependent child of a school official residing in the same household;

2. Any Relative of a school board member or chief school administrator shall be prohibited from being employed in an office or position in that district except that a person employed by the district on the effective date of the policy or the date a Relative becomes a school board member or administrator shall not be prohibited from continuing to be employed in the person's current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

- (a) A school district or county vocational school district may exclude per diem substitutes and student employees from its board nepotism policy.
3. The chief school administrator shall be prohibited from recommending to the school board pursuant to N.J.S.A. 18A:27-4.1 any Relative of a school board member or chief school administrator unless the person is subject to the exception in (a)2 above;
 4. District Administrators are prohibited from supervising, or exercising authority with regard to personnel actions over a Relative of the Administrator;
 5. District Administrators who have a Member of Immediate Family who is a member of the bargaining unit are prohibited from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team; nor should that district administrator be present with the school board in closed session when negotiation strategies are being discussed; and
 6. District Administrators who have an Member of Immediate Family who is a member of the same Statewide union in another district are prohibited from participating in any way in negotiations, including but not limited to, being a member of the negotiating team or being present with the school board in closed sessions when negotiation strategies are being discussed, prior to the school board attaining a tentative memorandum of agreement with the bargaining unit; once the tentative memorandum of agreement is established, a district Administrator with a Member of Immediate Family who is a member of the same Statewide union in another district may fully participate in the process, absent other conflicts.

Legal References:

<i>N.J.S.A. 18A:11-1</i>	General mandatory powers of the Board
<i>N.J.S.A. 18A12-2</i>	Inconsistent interests or office prohibited
<i>N.J.S.A. 18A12-21 et seq.</i>	School Ethics Act
<i>N.J.S.A. 18A:16-1</i>	Officers and employees in general
<i>N.J.A.C. 6A:4-1.1 et seq.</i>	Appeals

N.J.A.C. 6A:28-1.1, et seq.
N.J.A.C. 6A23A-6.2

School Ethics Commission
Nepotism Policy

In the matter of the election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595

Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County 1975 S.L.D. 478

Scola v. Ringwood Bd. of Ed. 1978 S.L.D. 413

Salerno v. Old Bridge Bd of Ed. 1984 S.L.D. (April 28)

Larsen v. Woodbridge Bd of Ed. 1985 S.L.D. (March 18)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)

ADOPTED: September 16, 2008