

Policy

NEPOTISM

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not appoint a family member of a board member or of the Superintendent of Schools to any employment position in this district, and directs that no person who is a member of the family of a board member or Superintendent of Schools shall be placed in nomination for any vacant position. Nor shall any person be considered for employment in any position in which he/she would come under the direct or indirect supervision of any member of his/her family.

As an exception to this policy, persons who are employees of the board on the date that this policy becomes effective or the date a relative becomes a board member or Superintendent of Schools 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. The district may seek approval from the executive county superintendent to promote such existing employee where the promotion is justified by the needs of the district to ensure implementation of the Core Curriculum Content Standards, and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred.

When a board member or school administrator's spouse, child, parent, or sibling is a member of the bargaining unit, that board member or school administrator shall not discuss the proposed collective bargaining agreement with that unit nor participate in any way in negotiations including, but not limited to, being a member of the negotiating team. Nor shall that board member or school administrator be present with the board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

When a member of a board member's or school administrator's immediate family is a member of the same statewide union with which the board is negotiating, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to, being a member of the negotiating team, prior to the board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total package of money to be offered. Once such tentative memorandum of agreement is established, the board member or school administrator may fully participate in the process, including board member voting, absent other conflicts. Prior to that time, the board member or school administrator shall not be present with the board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

For the purpose of this policy, "relative" shall be defined as an individual's spouse, civil union partner, domestic partner, or the parent, child, brother, sister, 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.

"Immediate family" shall be defined as board member or school administrator, their spouse, civil union partner, domestic partner, or dependant child living in the household, whether related by blood, marriage or adoption.

NEPOTISM (continued)

A school official who has such relationship with any employee of the district as of the effective date of this policy shall declare such relationship immediately.

Adopted: 1994
NJSBA Review/Update: November 2008
Readopted: March 2009

Key Words

Nepotism, Hiring Relatives, Relatives

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
	<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appealable decisions
	<u>N.J.A.C.</u> 6A:23A-1.2 <u>et seq.</u>	Fiscal accountability; definitions
	<u>N.J.A.C.</u> 6A:23A-6.2 <u>et seq.</u>	Fiscal accountability; nepotism
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

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 Board of Ed., 1984 S.L.D. (April 28)

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

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

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A14-00

NEPOTISM (continued)

Possible

<u>Cross References:</u>	*4111	Recruitment, selection and hiring
	*4119.21	Conflict of interest
	*9270	Conflict of interest

*Indicates policy is included in the Critical Policy Reference Manual.