

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

BY-LAWS
0142.1/Page 1 of 2
NEPOTISM
M

0142.1 NEPOTISM

The Board of Education adopts this Policy as a condition of receiving State aid pursuant to ~~in accordance with the requirements of~~ N.J.A.C. 6A:23A-6.2.

For the purposes of this policy, "relative" ~~means shall be defined in accordance with N.J.S.A. 52:13D-21.2 and N.J.A.C. 6A:23A-1.2 and shall mean~~ an individual's spouse, by marriage or civil union partner pursuant to N.J.S.A. 37:1-33, ~~or~~ domestic partner as defined in pursuant to N.J.S.A. 26:8A-3, or the individual's or spouse's ~~or civil union or domestic partners'~~ parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother or half sister, whether the relative is related to the individual or the individual's spouse civil union partner or domestic partner by blood, marriage, or adoption.

For the purposes of this policy, "immediate family member" means the person's spouse, partner in a civil union as defined in N.J.S.A. 37:1-33, domestic partner as defined in J.J.S. A. 26:8A-3, or dependent child residing in the same household.

For purposes of this policy, "administrator" is defined as set forth in N.J.S.A. 18A:12-23.

No relative of a Board member or ~~administrator~~ the Superintendent of Schools shall ~~may~~ be employed in an office or position in the school district except that a person employed by the school district on the effective date of the ~~is~~ policy ~~is adopted by the Board~~ or the date a relative becomes a Board member or ~~administrator~~ Superintendent shall not be prohibited from continuing to be employed or promoted in the ~~person's current~~ district.

No relative of a Board member or the Superintendent of Schools shall be ~~n individual currently employed in an office or position in this school district except that a person employed by the school district on the effective date of the policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or promoted in the district.~~ ~~by the district may be hired by the district unless the Superintendent of Schools, as part of the recommendation for hire submitted to the Board, includes a statement of reasons sufficient to justify the hiring. This requirement shall not apply to those individuals currently employed by the district on the date this policy goes into effect.~~

The Superintendent of Schools ~~is prohibited from~~ shall not ~~recommending~~ to the Board, pursuant to N.J.S.A. 18A:27-4.1, any relative of a Board member or the Superintendent ~~administrator~~. However, in accordance with N.J.A.C. 6A:23A-6.2(a)2, the district may employ a relative of a Board member or Superintendent of Schools provided the district obtains the approval from the Executive County Superintendent of Schools. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.

In accordance with N.J.A.C. 6A:23A-6.2(a)6.(b), per diem substitutes and student employees who are relatives of a Board member or the Superintendent of Schools shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-6.2.

A school district administrator ~~shall be is~~ prohibited from exercising direct or indirect authority, supervision, or control over a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms must be put in place.

A school district administrator or Board member who has a relative who is a member of the bargaining unit is 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 school district administrator ~~or Board member~~ be present with the Board in closed session when negotiation strategies are being discussed; provided however, that the administrator may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information.

A school district administrator or Board member who has an immediate family member ~~relative~~ who is a member of the same Statewide union in another school district ~~shall be is~~ 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 Board of Education in closed sessions when negotiation strategies are being discussed, prior to the Board of Education attaining a ~~T~~Tentative ~~m~~Memorandum of Agreement with the bargaining unit. ~~F~~That includes a salary guide and total compensation package. Once the Tentative Memorandum of agreement is established, a school district administrator ~~or Board member~~ with an immediate family member who is a member of the same Statewide union in another school district may fully participate in the process, absent other conflicts. Notwithstanding these provisions, a district administrator who has an immediate family member ~~relative~~ who is a member of the same statewide union in another district may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide the information.

In determining when it is appropriate not to participate in negotiations, Board members will be further guided by the general requirements of the School Ethics Act, and implementing decisions and will strive to avoid both actual conflicts of interest and the appearance of a conflict of interest.

In accordance with N.J.S.A. 18A:55-3, the Commissioner may withhold State aid from school districts that have not demonstrated compliance with this policy.

N.J.A.C. 6A:23A-6.2

~~N.J.A.C. 6A:10A:4.1(g), N.J.S.A. 18A:12-23; N.J.A.C. 6A:28-1.2; N.J.S.A. 52:13D-21.2;~~

~~N.J.A.C. 6A:23A-1.2;~~

~~N.J.S.A. 37:1-33, N.J.S.A. 26:8A-3~~

Initial Adoption: April 19, 2010

First Reading: February 20, 2018~~March 22, 2010~~

Second Reading: March 7, 2018~~April 19, 2010~~

~~Adopted~~Latest Adoption: April 19, 2010