

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Collective Bargaining and Contract
Approval/Ratification

0176 COLLECTIVE BARGAINING AND CONTRACT APPROVAL/RATIFICATION

The Board of Education recognizes that a Board member and/or a member of ~~his/her~~ their immediate family may be a member of, or ~~such person's~~ salary is ~~may be~~ determined ~~as a result of negotiations~~ by a labor bargaining unit, professional association and/or union that has an affiliation with a bargaining unit, professional organization and/or union within the school district. The Board member does not automatically violate N.J.S.A. 18A: 24 ~~by voting to approve and/or ratify this contract solely on the basis of~~ his/her their status or that of an immediate family member with respect to membership or representation by a different local affiliate of the same statewide association with whom the agreement is made, provided the Board member's involvement with such local affiliate has not or appears to have not compromised the member's objectivity or independence of judgment.

In accordance with N.J.S.A. 18A: 12-24, the Board member shall not participate in the collective bargaining process and/or serve on the negotiations committee representing the Board with this unit, association and/or union. The Board member may be apprised of the terms of a tentative memorandum of agreement with this unit, association, and/or union, in closed and/or open session, only after a tentative memorandum of agreement has been reached. The Board member may vote during the public meeting to approve and/or ratify a contract with this bargaining unit, professional association and/or union.

The Board member shall not participate in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has an immediate family who is a member of the bargaining unit, professional association and/or union within the school district. Under this circumstance, the Board member may only vote in the event the school Board attorney advises the Board the Doctrine of Necessity must be invoked in accordance with Policy No. 0163.

In addition, ~~t~~The School Ethics Commission Decision A16-00 states ~~that~~ a Board member may not in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has a "relative" who is a member of the bargaining unit, professional association and/or union within the school district. Under this circumstance, the Board member may only vote in the event the school Board attorney advises the Board the Doctrine of Necessity must be invoked ~~shall not negotiate or vote upon a contract with the local education association, or other bargaining unit if he, a member of his immediate family, or a business organization in which he holds an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family. If such a conflict arises and thereby results in a lack of a quorum, the Board may, if appropriate, invoke the doctrine of necessity~~ in accordance with Policy 0163.

N.J.S.A. 18A:12-21 et. Seq.

NJ School Ethics Commission Advisory Opinion A02-00 and A16-00

Commissioner of Education Decision – in the matter of Bruce White, Ewing Township Board of Education, Mercer County, June 1, 2000

NJ State Board of Education Decision – ~~I~~in the matter of Frank Pannucci, Board of Education of Brick Township, Ocean County, March 3, 2000~~2~~

Cross References: 0163

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