

**Policy**

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NEPOTISM

Definitions

“Nepotism” for the purpose of this policy shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a relationship as a relative or immediate family member of a board member or superintendent.

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, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

Employment/Promotion of Relative

The board of education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not appoint a relative of a board member or of the superintendent to any employment position in this district. The superintendent shall not recommend to the board any relative of a board member or of the superintendent, unless the person is subject to the exception below. 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 relative.

Further, no school district administrator shall supervise, or exercise authority on personnel actions regarding a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternate supervision/reporting mechanisms shall be put in place.

Exceptions

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 shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The superintendent may recommend those employees for reemployment, transfer, promotion or removal.

A relative of a school board member or superintendent may be employed by the district provided that the district has obtained the approval from the executive county superintendent. 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.

Per diem substitutes and student employees are excluded from this nepotism policy. However, where such an exclusion is exercised, the conflicted board member or administrator shall advise the board of the exclusion and shall not deliberate or vote on any matter affecting the terms and conditions of employment of the relative or any employee with supervisory authority over the relative.

Board Member/Superintendent Participation in Negotiations

NEPOTISM (continued)

When a board member or school administrator's relative is a member of the bargaining unit, or receives the benefit of the contract, that board member or school administrator shall not discuss the proposed collective bargaining agreement with that unit nor participate in any way in negotiations. This includes, but is 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. This prohibition continues to apply where the board has attained a tentative memorandum of agreement with the bargaining unit.

The board member or school administrator shall not be present with the board in closed session when negotiation strategies are being discussed and shall not participate in any aspect of negotiations. Neither shall the board member or administrator receive any information that has not been disclosed to the public.

A board member or school administrator who has such relationship with any employee of the district as of the effective date of this policy shall declare such relationship to the board immediately.

Board Member Participation in Employment Actions

Board members with relatives employed in the district are precluded from participating in the evaluation of the superintendent or any employment matter affecting the terms and conditions of employment of any employee with supervisory authority over the relative.

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NJSBA Review/Update:	May 2015
1 <sup>st</sup> Reading:	November 17, 2015
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Key Words

Nepotism, Hiring Relatives, Relatives

<b><u>Legal References:</u></b>	<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>	<u>School Ethics Act</u>
	<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.S.A.</u> 52:13D-13 and 21.2	State conflict of interest law
	<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

NEPOTISM (continued)

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

N.J. Department of Education 05-13-09 Broadcast # 1 "Nepotism Policy Clarification"

**Possible**

<b><u>Cross References:</u></b>	*4111	Recruitment, selection and hiring
	*4119.21/4212.21	Conflict of interest
	*4211	Recruitment, selection and hiring
	*9270	Conflict of interest

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