

ASSEMBLY, No. 729

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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District 4 (Camden and Gloucester)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JOSEPH A. LAGANA

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Assemblywoman Jasey, Assemblymen Schaer, DeAngelo, Burzichelli and McKeon

SYNOPSIS

Requires the adoption of nepotism policies by school districts and charter schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/23/2017)

A729 MORIARTY, CAPUTO

2

1 AN ACT concerning nepotism policies of school districts and charter
2 schools and supplementing chapter 12 and chapter 36A of Title
3 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this act, "relative" means an individual's
9 spouse, partner in a civil union as defined pursuant to section 2 of
10 P.L.2006, c.103 (C.37:1-33), domestic partner as defined in section
11 3 of P.L.2003, c.246 (C.26:8A-3), or the parent, child, brother,
12 sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-
13 law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister,
14 half-brother or half-sister of the individual or of the individual's
15 spouse, civil union partner, or domestic partner, whether the relative
16 is related to the individual or the individual's spouse, civil union
17 partner, or domestic partner by blood, marriage, or adoption.

18 b. As a condition of receiving State aid, the board of education
19 of a school district or county vocational school district shall adopt
20 and implement a nepotism policy. The nepotism policy shall
21 include, but need not be limited to:

22 (1) a provision prohibiting any relative of a school board
23 member, chief school administrator, school business administrator,
24 school board attorney, or director of personnel from being
25 employed in an office or position in the district; except that a
26 person employed by the district on the effective date of the policy
27 or the date a relative becomes a school board member, chief school
28 administrator, school business administrator, school board attorney,
29 or director of personnel shall not be prohibited from continuing to
30 be employed or to be promoted in the district or, in the case of a
31 reduction in force, in any position to which the person has a legal
32 entitlement.

33 A district may employ a relative of a school board member, chief
34 school administrator, school business administrator, school board
35 attorney, or director of personnel provided that the district has
36 obtained the approval of the executive county superintendent of
37 schools. The approval shall be granted only upon demonstration by
38 the school district that it conducted a thorough search for candidates
39 and that the proposed candidate is the only qualified and available
40 person for the position.

41 (2) a provision prohibiting the chief school administrator from
42 recommending to the school board pursuant to section 1 of
43 P.L.1995, c.125 (C.18A:27-4.1) any relative of a school board
44 member, chief school administrator, school business administrator,
45 school board attorney, or director of personnel unless the person is
46 subject to the exception pursuant to paragraph (1) of this
47 subsection;

1 (3) a provision prohibiting a district administrator including a
2 director of personnel, or a school board attorney from exercising
3 direct or indirect authority, supervision, or control over his relative.
4 Where it is not feasible to eliminate a direct or indirect supervisory
5 relationship, appropriate screens or alternative supervision and
6 reporting mechanisms shall be put in place;

7 (4) a provision prohibiting a district administrator including a
8 director of personnel, or a school board attorney, or a board
9 member, who has a relative who is a member of the bargaining unit
10 from discussing or voting on the proposed collective bargaining
11 agreement with that unit or from participating in any way in
12 negotiations including, but not limited to, being a member of the
13 negotiating team; nor shall the district administrator including the
14 director of personnel, or school board attorney be present with the
15 school board in closed session when negotiation strategies are being
16 discussed; provided, however, that the administrator including the
17 director of personnel, or a school board attorney may serve as a
18 technical resource to the negotiating team and may provide
19 technical information necessary to the collective bargaining process
20 when no one else in the district can provide such information; and

21 (5) a provision prohibiting a district administrator including a
22 director of personnel, or a school board attorney, or a board
23 member, who has a relative who is a member of the same Statewide
24 union in another district from participating in any way in
25 negotiations including, but not limited to, being a member of the
26 negotiating team or being present with the school board in closed
27 sessions when negotiation strategies are being discussed, prior to
28 the school board attaining a tentative memorandum of agreement
29 with the bargaining unit that includes a salary guide and total
30 compensation package. Once the tentative memorandum of
31 agreement is established, a district administrator including a
32 director of personnel, or school board attorney with a relative who
33 is a member of the same Statewide union in another district may
34 fully participate in the process, absent other conflicts.
35 Notwithstanding the provisions of this paragraph to the contrary, a
36 district administrator including a director of personnel, or a school
37 board attorney who has a relative who is a member of the same
38 Statewide union in another district may serve as a technical
39 resource to the negotiating team and may provide technical
40 information necessary to the collective bargaining process when no
41 one else in the district can provide such information.

42 c. A school district or county vocational school district may
43 exclude per diem substitutes and student employees from its board
44 nepotism policy .

45
46 2. The board of trustees of a charter school shall adopt and
47 implement a nepotism policy. The policy shall comply with the
48 provisions of section 1 of P.L. , c. (C.) (pending before

1 the Legislature as this bill) and apply to members of the board of
2 trustees and administrators of the charter school.

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4 3. This act shall take effect immediately.

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STATEMENT

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9 This bill directs boards of education of school districts and
10 county vocational school districts to adopt and implement a
11 nepotism policy. The adoption of such a policy will be a condition
12 for the receipt of State aid.

13 The nepotism policy adopted by a board of education must
14 include, but need not be limited to, the following:

15 (1) a provision prohibiting any relative of a school board
16 member or chief school administrator, school business
17 administrator, school board attorney, or director of personnel from
18 being employed in any office or position in the district. However,
19 such a person employed by the district on the effective date of the
20 policy or the date a relative becomes a school board member, chief
21 school administrator, school business administrator, school board
22 attorney, or director of personnel will not be prohibited from
23 continuing to be employed or to be promoted, or, in the case of a
24 reduction in force, employed in any position to which the person
25 has a legal entitlement. Also, a district may employ such a relative
26 if the district obtains the approval of the executive county
27 superintendent of schools. The executive county superintendent
28 may only grant the approval upon a demonstration by the district
29 that it conducted a thorough search for candidates and that the
30 proposed candidate is the only qualified and available person for the
31 position;

32 (2) a provision prohibiting a chief school administrator from
33 recommending to the school board any relative of a school board
34 member, chief school administrator, school business administrator,
35 school board attorney, or director of personnel unless the exceptions
36 described above are applicable;

37 (3) a provision prohibiting a district administrator including a
38 director of personnel, or a school board attorney from exercising
39 direct or indirect authority, supervision, or control over a relative.
40 If it is not feasible to eliminate a direct or indirect supervisory
41 relationship, appropriate screens or alternative supervision and
42 reporting mechanisms must be put in place;

43 (4) a provision prohibiting a district administrator including a
44 director of personnel, or a school board attorney, or a board
45 member, who has a relative who is a member of the bargaining unit
46 from discussing or voting on the proposed collective bargaining
47 agreement with that unit or from participating in any way in
48 negotiations, although the administrator including the director of

1 personnel, or the school board attorney may provide technical
2 information necessary to the collective bargaining process when no
3 one else in the district can provide such information; and
4 (5) a provision prohibiting a district administrator including a
5 director of personnel, or a school board attorney, or a board
6 member, who has a relative who is a member of the same Statewide
7 union in another district from participating in any way in
8 negotiations prior to the school board attaining a tentative
9 memorandum of agreement with the bargaining unit that includes a
10 salary guide and total compensation package, although the district
11 administrator including the director of personnel, or a school board
12 attorney may provide technical information necessary to the
13 collective bargaining process when no one else in the district can
14 provide such information.
15 A school district may exclude per diem substitutes and student
16 employees from its nepotism policy.
17 The bill also directs the board of trustees of a charter school to
18 adopt and implement a nepotism policy. The policy adopted by a
19 board of trustees must incorporate the above provisions and will be
20 applicable to members of the board and to charter school
21 administrators.
22 Under regulations adopted by the Commissioner of Education,
23 the board of education of a school district or county vocational
24 school district was required to adopt a nepotism policy by October
25 1, 2008.