ASSEMBLY, No. 1457

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning anti-nepotism policies of school districts and charter schools and supplementing chapter 12 of Title 18A of the New Jersey Statutes and P.L.1995, c.426 (C.18A:36A-1 et seq.).

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

1. a. As used in this section:

"Immediate family member" means the person's spouse, partner in a civil union as defined in section 92 of P.L.2006, c.103 (C.37:1-33), domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), or dependent child, residing in the same household;

"Relative" means an individual's spouse, partner in a civil union as defined pursuant to section 92 of P.L.2006, c.103 (C.37:1-33), domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), 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;

"School board attorney" means an attorney employed in-house by a school district on a full-time basis.

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

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

A district may employ a relative of a school board member, chief school administrator, school business administrator, school board attorney, or director of personnel provided that the district has obtained the approval of the executive county superintendent of schools. The 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;

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

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

(4) a provision prohibiting a district administrator including a director of personnel, or a school board attorney, or a board member, who has a relative who is a member of the bargaining unit 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 shall the district administrator including the director of personnel, or school board attorney be present with the school board in closed session when negotiation strategies are being discussed; provided, however, that the administrator including the director of personnel, or a school board attorney 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;

(5) a provision prohibiting a district administrator including a director of personnel, or a school board attorney, or a board member, who has an immediate family member who is a member of the same Statewide union in another district from participating in any way in negotiations including, but not limited to, being a member of the negotiating team or being present with the school board in closed sessions when negotiation strategies are being discussed, prior to the school board attaining a tentative memorandum of agreement with the bargaining unit that includes a salary guide and total compensation package. Once the tentative memorandum of agreement is established, a district administrator including a director of personnel, or school board attorney with an immediate family member who is a member of the same Statewide union in another district may fully participate in the process, absent other conflicts. Notwithstanding the provisions of this paragraph to the contrary, a district administrator including a director of personnel, or a school board attorney who has an immediate family member 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 such information; and

(6) a provision providing that if a school board member, chief school administrator, school business administrator, school board attorney, or director of personnel resigns or ceases to be employed by the school district, and his relative becomes employed in an office or position in the school district within the three months following the resignation or cessation of employment, then the school board member, chief school administrator, school business administrator, school board attorney, or director of personnel shall not be employed by the district for a period of 12 months from his last date of service or employment.

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

2. The board of trustees of a charter school shall adopt and implement an anti-nepotism policy. The policy shall comply with the provisions of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) and apply to members of the board of trustees and administrators of the charter school.

3. This act shall take effect on the 60th day after the date of enactment.

STATEMENT

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

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

(1) a provision prohibiting any relative of a school board member or chief school administrator, school business administrator, school board attorney employed in-house on a full-time basis, or director of personnel from being employed in any office or position in the district. However, such a person employed by the district on the effective date of the policy or the date a relative becomes a school board member, chief school administrator, school business administrator, school board attorney, or director of personnel will not be prohibited from continuing to be employed or to be promoted, or, in the case of a reduction in force, employed in any position to which the person has a legal entitlement. Also, a district may employ such a relative if the district obtains the approval of the executive county superintendent of schools. The executive county superintendent may only grant the

approval upon a demonstration by the district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position;

(2) a provision prohibiting a chief school administrator from recommending to the school board any relative of a school board member, chief school administrator, school business administrator, school board attorney employed in-house on a full-time basis, or director of personnel unless the exceptions described above are applicable;

(3) a provision prohibiting a district administrator including a director of personnel, or a school board attorney employed in-house on a full-time basis from exercising direct or indirect authority, supervision, or control over a relative. If it is not feasible to eliminate a direct or indirect supervisory relationship, appropriate screens or alternative supervision and reporting mechanisms must be put in place;

(4) a provision prohibiting a district administrator including a director of personnel, or a school board attorney employed in-house on a full-time basis, or a board member, who has a relative who is a member of the bargaining unit from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, although the administrator including the director of personnel, or the school board attorney may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information; and

A school district or county vocational school district may exclude per diem substitutes and student employees from its anti-nepotism policy.

The bill also directs the board of trustees of a charter school to adopt and implement an anti-nepotism policy. The policy adopted by a board of trustees must incorporate the above provisions and will be applicable to members of the board and to charter school administrators.

Under regulations adopted by the Commissioner of Education, the board of education of a school district or county vocational school district was required to adopt an anti-nepotism policy by October 1, 2008.