

ASSEMBLY, No. 1457

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

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District 28 (Essex)

Assemblywoman JOANN DOWNEY

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Assemblywoman Jasey, Assemblymen Schaer, DeAngelo, Burzichelli, McKeon, Holley, Johnson, Chiaravalloti, Houghtaling, Assemblywoman Mosquera, Assemblymen Freiman and Benson

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

13 “Relative” means an individual’s spouse, partner in a civil union
 14 as defined pursuant to section 92 of P.L.2006, c.103 (C.37:1-33),
 15 domestic partner as defined in section 3 of P.L.2003, c.246
 16 (C.26:8A-3), or the parent, child, brother, sister, aunt, uncle, niece,
 17 nephew, grandparent, grandchild, son-in-law, daughter-in-law,
 18 stepparent, stepchild, stepbrother, stepsister, half-brother or half-
 19 sister of the individual or of the individual’s spouse, civil union
 20 partner, or domestic partner, whether the relative is related to the
 21 individual or the individual’s spouse, civil union partner, or
 22 domestic partner by blood, marriage, or adoption;

23 “School board attorney” means an attorney employed in-house
 24 by a school district on a full-time basis.

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

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

40 A district may employ a relative of a school board member, chief
 41 school administrator, school business administrator, school board
 42 attorney, or director of personnel provided that the district has
 43 obtained the approval of the executive county superintendent of
 44 schools. The approval shall be granted only upon demonstration by
 45 the school district that it conducted a thorough search for candidates
 46 and that the proposed candidate is the only qualified and available
 47 person for the position;

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

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

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

28 (5) a provision prohibiting a district administrator including a
29 director of personnel, or a school board attorney, or a board
30 member, who has an immediate family member who is a member of
31 the same Statewide union in another district from participating in
32 any way in negotiations including, but not limited to, being a
33 member of the negotiating team or being present with the school
34 board in closed sessions when negotiation strategies are being
35 discussed, prior to the school board attaining a tentative
36 memorandum of agreement with the bargaining unit that includes a
37 salary guide and total compensation package. Once the tentative
38 memorandum of agreement is established, a district administrator
39 including a director of personnel, or school board attorney with an
40 immediate family member who is a member of the same Statewide
41 union in another district may fully participate in the process, absent
42 other conflicts. Notwithstanding the provisions of this paragraph to
43 the contrary, a district administrator including a director of
44 personnel, or a school board attorney who has an immediate family
45 member who is a member of the same Statewide union in another
46 district may serve as a technical resource to the negotiating team
47 and may provide technical information necessary to the collective

1 bargaining process when no one else in the district can provide such
2 information; and

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

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

16
17 2. The board of trustees of a charter school shall adopt and
18 implement an anti-nepotism policy. The policy shall comply with
19 the provisions of section 1 of P.L. , c. (C.) (pending before
20 the Legislature as this bill) and apply to members of the board of
21 trustees and administrators of the charter school.

22
23 3. This act shall take effect on the 60th day after the date of
24 enactment.

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27 STATEMENT

28
29 This bill directs boards of education of school districts and
30 county vocational school districts to adopt and implement an anti-
31 nepotism policy. The adoption of such a policy will be a condition
32 for the receipt of State aid.

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

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

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

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

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

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

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

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

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