

RECRUITMENT, SELECTION AND HIRING

The board of education shall appoint all staff members only from nominations made by the chief school administrator. All appointments shall be by recorded roll call majority vote of the full membership of the board. The chief school administrator shall adhere to the following in recruiting and interviewing candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability, nationality, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job;
- B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and
- C. It shall be the duty of the Superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

The chief school administrator is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the board of education and signed by the candidate. It shall be the responsibility of the chief school administrator to communicate this fact to all candidates.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is

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exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;

- C. Any employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence accepting a new appointment within the district shall not be considered a break in public service.
- E. Any employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Date: **Reviewed: January 7, 2013**
 Adopted: March 13, 2013

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

RECRUITMENT, SELECTION AND HIRING (continued)**CRITICAL POLICY REFERENCE MANUAL****FILE CODE: 4211****X** **Monitored****X** **Mandated****X** **Other Reasons****Legal References**

RECRUITMENT, SELECTION AND HIRING**QSAC Monitored:**

Section 5: Personnel

Mandated:

The district's comprehensive equity plan must include policy and procedures on implementation of the contract and employment practices plan (N.J.A.C. 6A:7-1.4(c)2).

Other Reasons:

The Americans with Disabilities Act (ADA) imposes obligations on boards of education both as employers and providers of education. Many of these obligations duplicate or expand existing obligations under Section 504 of the Rehabilitation Act of 1973 and other federal law.

Federal law sets out required qualification for paraprofessionals in Title I schools. (See file code 4123 Classroom Aides/Paraprofessionals).

N.J.S.A. 10:5-3 forbids discriminatory practices against any person or that person's spouse by reason of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability or nationality.

N.J.S.A. 10:5-4.1 applies all provisions of the statutes against discrimination to the disabled.

N.J.S.A. 10:5-12 makes it unlawful to discriminate in employment practices against individuals with atypical hereditary cellular blood traits or because of genetic information or refusal to submit to or make available the results of a genetic test, or domestic partnership status.

N.J.S.A. 10:5-27 reads: "With respect only to affectional or sexual orientation and gender identity or expression, nothing contained herein shall be construed to require the imposition of affirmative action plans or quotas as specific relief from an unlawful employment practice or unlawful discrimination."

N.J.S.A. 18A:6-7.1 requires a check into the criminal history of potential employees.

N.J.S.A. 18A:27-4.1 requires that the chief school administrator recommend all employees, certified and noncertified, for appointment, transfer or removal by the board.

N.J.S.A. 18A:39-19.1 requires a check into the criminal history of potential school bus drivers.

N.J.S.A. 52:14-7 establishes residency requirements for all public employees and officers to have their principal residence in the State of New Jersey.

N.J.A.C. 6A:7-1.8 ensures equal and bias free access to all categories of employment.

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A policy statement directing development of hiring practices to ensure that goals of noninstructional operations will be met. The chief school administrator should be responsible for the preparation and maintenance of job descriptions.

<u>Legal References:</u>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
	<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> 18A:39-17 through -20	Names, social security numbers, and certification of bus driver's license and criminal background check
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:39-19.1	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:54-20	<u>Domestic Partnership Act</u>
	<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	Driver of motor vehicle or trackless trolley with capacity over six passengers; special license
	<u>N.J.S.A.</u> 39:3-10.1	Residency Requirements
	<u>N.J.S.A.</u> 52:14-7	Managing for Equality and Equity in Education
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:7-1.4,-1.8	
	42 <u>U.S.C.A.</u> 12101 <u>et seq.</u> -	<u>Americans with Disabilities Act</u> (ADA)
	42 <u>U.S.C.A.</u> 2000e <u>et seq.</u> -	Title VII of the <u>Civil Rights Act of 1964</u> as amended by the <u>Equal Employment Opportunities Act of 1972</u>
	29 <u>U.S.C.A.</u> 794 <u>et seq.</u> -	Section 504 of the <u>Rehabilitation Act of 1973</u>
	8 <u>U.S.C.A.</u> 1100 <u>et seq.</u> -	<u>Immigration Reform and Control Act of 1986</u>
	<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
	<u>Taxman v. Piscataway Bd. of Ed.</u> , 91 F. 3d 1547 (3d Cir. 1996)	
	The Comprehensive Equity Plan, New Jersey State Department of Education	

Possible

<u>Cross References:</u>	*2131	Chief school administrator
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4123	Classroom aides/paraprofessionals
	*4211.1	Nondiscrimination/affirmative action
	*4212.4	Employee health
	4212.5	Criminal history check
	*4212.6	Personnel records
	*4212.8	Nepotism

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*4219.23	Employee substance abuse
*4222	Noninstructional aides
*6010	Goals and objectives
9123	Appointment of board secretary
9124	Appointment of business official

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