

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 chief school administrator.

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 chief school administrator to any employment position in this district. The chief school administrator shall not recommend to the board any relative of a board member or of the chief school administrator, 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 chief school administrator shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The chief school administrator may recommend those employees for reemployment, transfer, promotion or removal.

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

Board Member/Chief School Administrator Participation in Negotiations

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, prior to the board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total package of money to be offered.

Once such tentative memorandum of agreement is established, including salary guides and/or the total package of money to be offered, the board member or school administrator may fully participate in the process, including board member voting, absent other conflicts. Prior to that time, the board member or school administrator shall not 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 in the district can provide that information.

A school official who has such relationship with any employee of the district as of the effective date of this policy shall declare such relationship immediately.

Per diem substitutes and student employees are excluded from this nepotism policy.

Date Reviewed: March 13, 2013

Date Adopted: May 8, 2013

Legal References: Use legal reference sheet.

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

Key Words

Nepotism, Hiring Relatives, Relatives

**Legal References**

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**QSAC Monitored:**

Section 3: Governance

**Mandated:**

N.J.A.C. 6A:23A-6.2 (“accountability regulations”) requires districts, as a condition of receiving state aid, to implement a nepotism policy that includes a definition of “relative” that is consistent with N.J.S.A. 52:13D-21.2 and N.J.A.C. 6A:23A-1.2. The policy must prohibit any relative of a school board member or chief school administrator from being employed in an office or position in the school district. As an exception, a person employed by the district on the effective date of the policy or the date a relative becomes a school board member or administrator, will not be prohibited from continuing employment in the person’s current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

**Other Reasons:**

N.J.S.A. 18A:12-24 and N.J.S.A. 18A:12-24.1 set ethical parameters for the board to follow in hiring relatives of school officials. The School Ethics Commission has released a number of opinions interpreting the law.

N.J.A.C. 6A:28-1.1 et seq. defines the purpose, authority and operating procedures of the School Ethics Commission.

**Recommendation:**

Policy addressing the proper activities of board members when matters pertaining to such relatives are being considered--negotiations, etc.

In adopting or revising policies or bylaws on nepotism, please consult with the board attorney to determine the latest decisions from the School Ethics Commission. These decisions can have a direct impact on your policies/bylaws.

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-2</u>	Inconsistent interests or office prohibited
	<u>N.J.S.A. 18A:12-21 et seq.</u>	School Ethics Act
	<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
	<u>N.J.S.A. 18A:27-4.1</u>	Appointment, transfer, removal or renewal of officers and employees; exceptions
	<u>N.J.S.A. 52:13D-13 and 21.2</u>	State conflict of interest law
	<u>N.J.S.A. 18A:27-4.1</u>	
	<u>N.J.A.C. 6A:4-1.1 et seq.</u>	Appealable decisions
	<u>N.J.A.C. 6A:23A-1.2 et seq.</u>	Fiscal accountability; definitions
	<u>N.J.A.C. 6A:23A-6.2 et seq.</u>	Fiscal accountability; nepotism
	<u>N.J.A.C. 6A:28-1.1 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

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**

**Cross References:** \*4111 Recruitment, selection and hiring  
\*4119.21 Conflict of interest  
\*9270 Conflict of interest

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