

NEPOTISM

The Pennsville 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 Superintendent to any employment position in this District, and directs that no relative of a Board member or Superintendent shall be placed in nomination for any vacant position. 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 member of his/her family. The Superintendent shall not recommend to the Board any relative of a Board member or relative of the Superintendent. Further, no District Administrator shall supervise, or exercise authority on personnel matters regarding a relative of that administrator.

As an exception to this policy, persons who are employees of the Board on the date that this policy becomes effective, or the date upon which a relative becomes a Board member or administrator, shall not be prohibited from continuing to be employed 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. The Board may seek approval from the Executive County Superintendent to promote such existing employee where the promotion is justified by the needs of the District to ensure implementation of the Core Curriculum Content Standards, and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred.

When a Board member or Administrator's spouse, child, parent, or sibling is a member of the bargaining unit, that Board member or school administrator shall not discuss the proposed collective bargaining agreement with that unit nor participate in any way in negotiations including, but 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, an Administrator with such a conflict 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 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, 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, an Administrator with such a conflict may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

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 Administrator, their spouse, civil union partner, domestic partner, or dependant child living in the household, whether related by blood, marriage or adoption.

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.

Date: April 29, 1997

Reviewed/Revised: February 22, 2010

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21	School Ethics Act
	<i>et seq.</i>	
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Board of Education, procedure for certain personnel actions; recommendation of chief school administrator
	<u>N.J.S.A.</u> 26:8A-3	Domestic partners; Definitions
	<u>N.J.S.A.</u> 37:1-33	References to marital or spousal relationships include civil union relationships
	<u>N.J.A.C.</u> 6A:4-1.1	Appealable decisions
	<u>N.J.A.C.</u> 6A:23A-1.2	Fiscal accountability; definitions
	<u>N.J.A.C.</u> 6A:23A-6.2	Fiscal accountability; nepotism
	<u>N.J.A.C.</u> 6A:28-1.1	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

Possible Cross References:

4111	Recruitment, selection and hiring
4119.21	Conflict of interest
9270	Conflict of interest