

[Second Reprint]

ASSEMBLY, No. 557

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

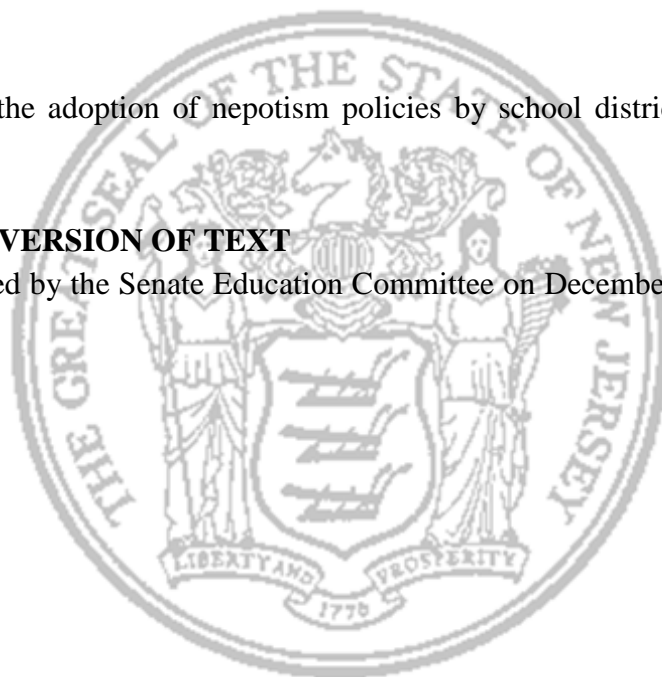
Assemblywoman Jasey, Assemblymen Schaer, DeAngelo, Burzichelli, McKeon, Holley, Johnson, Chiaravalloti, Houghtaling, Assemblywoman Mosquera, Assemblymen Freiman and Benson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on December 6, 2018, with amendments.



(Sponsorship Updated As Of: 2/26/2019)

1 AN ACT concerning nepotism policies of school districts and charter
 2 schools and supplementing chapter 12 and chapter 36A of Title
 3 18A of the New Jersey Statutes.

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 act ¹**[.]**;¹

9 ¹**["relative"]** "Relative"¹ means an individual's spouse, partner
 10 in a civil union as defined pursuant to section 2 of P.L.2006, c.103
 11 (C.37:1-33), domestic partner as defined in section 3 of P.L.2003,
 12 c.246 (C.26:8A-3), or the parent, child, brother, sister, aunt, uncle,
 13 niece, nephew, grandparent, grandchild, son-in-law, daughter-in-
 14 law, stepparent, stepchild, stepbrother, stepsister, half-brother or
 15 half-sister of the individual or of the individual's spouse, civil
 16 union partner, or domestic partner, whether the relative is related to
 17 the individual or the individual's spouse, civil union partner, or
 18 domestic partner by blood, marriage, or adoption ¹;

19 "School board attorney" means an attorney employed in-house
 20 by a school district on a full-time basis¹.

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

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

36 A district may employ a relative of a school board member, chief
 37 school administrator, school business administrator, school board
 38 attorney, or director of personnel provided that the district has
 39 obtained the approval of the executive county superintendent of
 40 schools. The approval shall be granted only upon demonstration by
 41 the school district that it conducted a thorough search for candidates
 42 and that the proposed candidate is the only qualified and available
 43 person for the position ¹**[.]**;¹

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted May 10, 2018.

²Senate SED committee amendments adopted December 6, 2018.

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; and

28 (5) a provision ²prohibiting a district administrator including a
29 director of personnel, or a school board attorney, or a board
30 member, who has a relative who is a member of the same Statewide
31 union in another district from participating in any way in
32 negotiations including, but not limited to, being a member of the
33 negotiating team or being present with the school board in closed
34 sessions when negotiation strategies are being discussed, prior to
35 the school board attaining a tentative memorandum of agreement
36 with the bargaining unit that includes a salary guide and total
37 compensation package. Once the tentative memorandum of
38 agreement is established, a district administrator including a
39 director of personnel, or school board attorney with a relative who
40 is a member of the same Statewide union in another district may
41 fully participate in the process, absent other conflicts.
42 Notwithstanding the provisions of this paragraph to the contrary, a
43 district administrator including a director of personnel, or a school
44 board attorney who has a relative who is a member of the same
45 Statewide union in another district may serve as a technical
46 resource to the negotiating team and may provide technical
47 information necessary to the collective bargaining process when no
48 one else in the district can provide such information **】** providing that

1 if a school board member, chief school administrator, school
2 business administrator, school board attorney, or director of
3 personnel resigns or ceases to be employed by the school district,
4 and his relative becomes employed in an office or position in the
5 school district within the three months following the resignation or
6 cessation of employment, then the school board member, chief
7 school administrator, school business administrator, school board
8 attorney, or director of personnel shall not be employed by the
9 district for a period of 12 months from his last date of service or
10 employment².

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

14
15 2. The board of trustees of a charter school shall adopt and
16 implement a nepotism policy. The policy shall comply with the
17 provisions of section 1 of P.L. , c. (C.) (pending before
18 the Legislature as this bill) and apply to members of the board of
19 trustees and administrators of the charter school.

20
21 3. This act shall take effect ¹**[immediately]** on the 60th day
22 after the date of enactment¹.