

SENATE, No. 1791

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1997

By Senators CIESLA and PALAIA

1 AN ACT concerning the standards of ethical conduct for members of
2 local school boards and amending P.L.1991, c.393.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1991, c.393 (C.18A:12-24) is amended to read
8 as follows:

9 4. a. No school official or member of his immediate family shall
10 have an interest in a business organization or engage in any business,
11 transaction, or professional activity, which is in substantial conflict
12 with the proper discharge of his duties in the public interest;

13 b. No school official shall use or attempt to use his official position
14 to secure unwarranted privileges, advantages or employment for
15 himself, members of his immediate family or others;

16 c. No school official shall act in his official capacity in any matter
17 where he, a member of his immediate family, or a business
18 organization in which he has an interest, has a direct or indirect
19 financial or personal involvement that might reasonably be expected to
20 impair his objectivity or independence of judgment;

21 d. No school official shall undertake any employment or service,
22 whether compensated or not, which might reasonably be expected to
23 prejudice his independence of judgment in the exercise of his official
24 duties;

25 e. No school official, or member of his immediate family, or
26 business organization in which he has an interest, shall solicit or accept
27 any gift, favor, loan, political contribution, service, promise of future
28 employment, or other thing of value based upon an understanding that
29 the gift, favor, loan, contribution, service, promise, or other thing of
30 value was given or offered for the purpose of influencing him, directly
31 or indirectly, in the discharge of his official duties. This provision
32 shall not apply to the solicitation or acceptance of contributions to the
33 campaign of an announced candidate for elective public office, if the
34 school official has no knowledge or reason to believe that the

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

Matter underlined thus is new matter.

- 1 campaign contribution, if accepted, was given with the intent to
2 influence the school official in the discharge of his official duties;
- 3 f. No school official shall use, or allow to be used, his public office
4 or employment, or any information, not generally available to the
5 members of the public, which he receives or acquires in the course of
6 and by reason of his office or employment, for the purpose of securing
7 financial gain for himself, any member of his immediate family, or any
8 business organization with which he is associated;
- 9 g. No school official or business organization in which he has an
10 interest shall represent any person or party other than the school board
11 or school district in connection with any cause, proceeding, application
12 or other matter pending before the school district in which he serves
13 or in any proceeding involving the school district in which he serves
14 or, for officers or employees of the New Jersey School Boards
15 Association, any school district. This provision shall not be deemed to
16 prohibit representation within the context of official labor union or
17 similar representational responsibilities;
- 18 h. No school official shall be deemed in conflict with these
19 provisions if, by reason of his participation in any matter required to
20 be voted upon, no material or monetary gain accrues to him as a
21 member of any business, profession, occupation or group, to any
22 greater extent than any gain could reasonably be expected to accrue to
23 any other member of that business, profession, occupation or group;
- 24 i. No elected member shall be prohibited from making an inquiry
25 for information on behalf of a constituent, if no fee, reward or other
26 thing of value is promised to, given to or accepted by the member or
27 a member of his immediate family, whether directly or indirectly, in
28 return therefor;
- 29 j. Nothing shall prohibit any school official, or members of his
30 immediate family, from representing himself, or themselves, in
31 negotiations or proceedings concerning his, or their, own interests;
32 [and]
- 33 k. Employees of the New Jersey School Boards Association shall
34 not be precluded from providing assistance, in the normal course of
35 their duties, to boards of education in the negotiation of a collective
36 bargaining agreement regardless of whether a member of their
37 immediate family is a member of, or covered by, a collective
38 bargaining agreement negotiated by a Statewide union with which a
39 board of education is negotiating; and
- 40 l. No board member shall be deemed in conflict with these
41 provisions if the member participates in negotiations or votes on a
42 collective bargaining agreement for a local bargaining unit of a
43 Statewide union to which the member or an immediate family member
44 belongs, provided that the member has reason to believe that he will
45 not derive any direct monetary gain from the negotiations or vote.
46 (cf: P.L.1995, c.14, s.2)

1

2 2. This act shall take effect immediately.

3

4

5

STATEMENT

6

7 This bill amends a provision of the "School Ethics Act," P.L.1991,
8 c.393 (C.18A:12-21 et seq.) to permit members of local boards of
9 education to participate in negotiations or vote on a collective
10 bargaining agreement for a local bargaining unit of a Statewide union
11 to which the member or an immediate family member belong. The
12 member, however, would only be able to participate in negotiations or
13 vote on a collective bargaining agreement if the member would have
14 reason to believe that he would not derive any direct monetary gain
15 from the activity.

16

17

18

19

20 _____
21 Allows school board members to negotiate and vote on certain
collective bargaining agreements without violating ethics standards.