

Hudson County School Boards Association

Employee Hiring and Renewals

Harrison High School
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413 West State Street, Trenton, New Jersey 08618

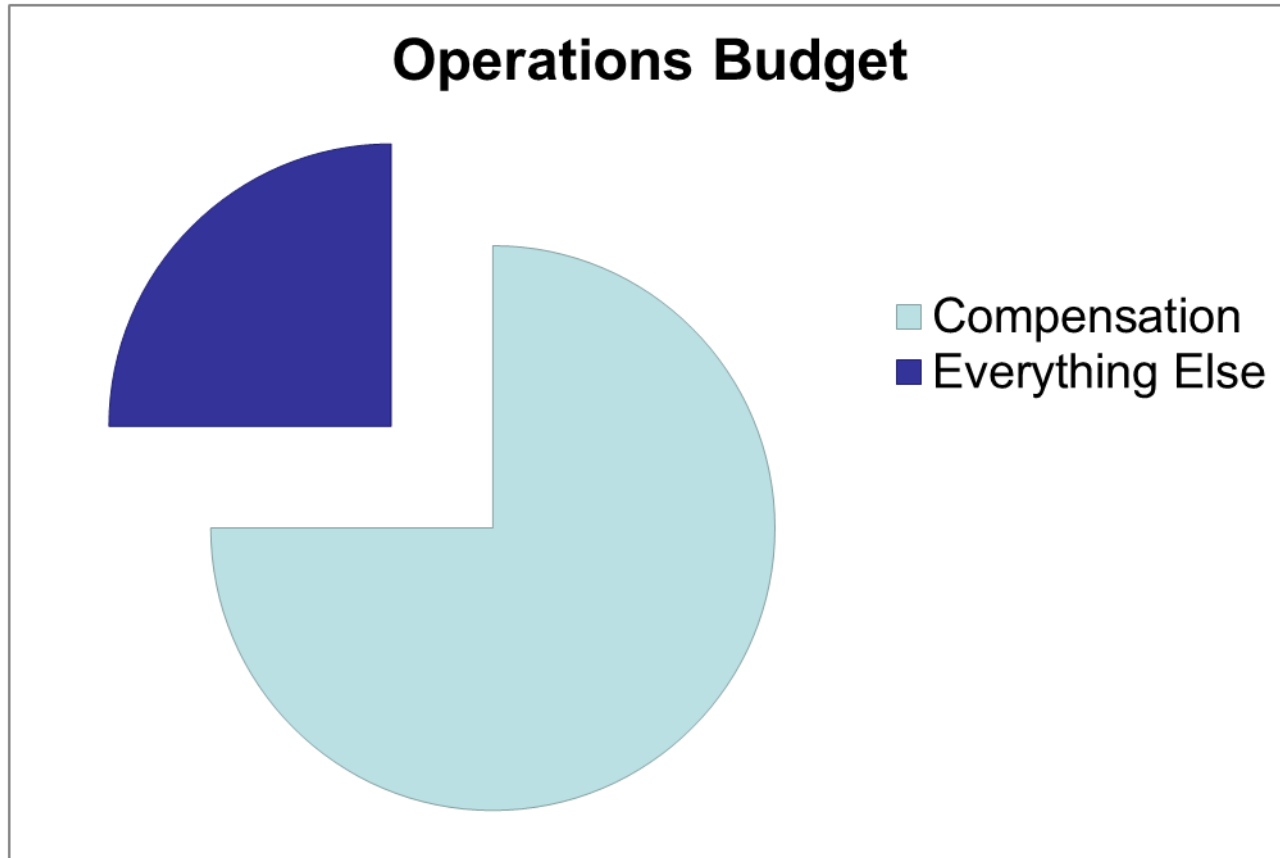
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New Jersey School Boards Association

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Personnel Issues

Hiring and Renewals

- **Superintendent / Chief School Administrator (CSA) may not recommend, nor the board approve, initial hiring of “relatives” of any board member or the CSA.**
- ***N.J.A.C. 6A:23A-6.2 Nepotism Regs***
- **Does not apply to renewals, transfers, promotions, stipend appointments**



Who is a “Relative?”

Individual's spouse, civil union partner ... domestic partner..., or the parent, child, sibling, 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



Personnel Issues

CSA/Supervisor/Principal

- **Board members may not participate in the hiring of a new CSA, supervisor or principal, if they have a “relative” or “other” who is an employee in the school district who would be directly or indirectly supervised by the new hire.**



Personnel Issues

CSA/Supervisor/Principal

- **Board members may not participate in any personnel decisions involving a CSA, principal, or supervisor who directly or indirectly supervises the board member's "relative" or "other" who is employed in the school district.**



Personnel Issues

CSA/Supervisor/Principal

N.J.S.A. 18A:12-24 (b) “Others”

In-District

- **A03-13 – Brother-in-law**
- **A15-13 - Cohabiting partner, A10-14 – 1st Cousin**
- **A22-13 – Father-in-law**
- **A08-14 – Stepdaughter, Stepdaughter-in-law, nephew**
- **A16-15 – Daughter, Wife, Aunt, “Relative”**
- **A19-15 – Niece, Spouse’s Uncle, Son, 1st Cousin**
- **A25-15 – Spouse, *paraprofessional***



Personnel Issues

CSA/Supervisor/Principal

N.J.S.A. 18A:12-24 (b) “Others”

In-District

- A05-15 – Board members with spouse, board member with brother employed in district; no vote on motion to advertise for CSA, hiring of selection agency, criteria, job description, search committee, evaluation and contract discussions post-hire, no closed session attendance, not privy to closed session minutes until public.***



Personnel Issues

CSA/Supervisor/Principal

N.J.S.A. 18A:12-24 (b) “Others”

In-District

- A19-15 – Board members with nieces, spouse’s uncle, full time employees and son, full-time student, part-time summer substitute, as “relatives” are “others”; *may not participate in any matter involving the relative’s employment or supervision including employment matters with superintendent and supervising administrators.***

**Reaffirm A10-14 1st Cousin – Other
Spouse’s cousin’s daughter – no conflict**

See A25-14, A30-14, A25-15



Personnel Issues

Hiring and Renewals

N.J.S.A. 18A:27-4.1

- **Superintendent/CSA recommendation**
- **Roll call majority vote of full board**
- **May not withhold approval of superintendent/CSA recommendation for arbitrary and capricious reasons**



Personnel Issues Hiring and Renewals

School Ethics Act

N.J.S.A. 18A:12-24.1(h)

I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.



Personnel Issues

Renewal and Non-Renewal of Staff

N.J.S.A. 18A:27-10, 10.2

Certificated Staff & Paraprofessionals employed since the preceding September must be provided a written offer of employment or a notice of non-renewal by **May 15**.

Non-certificated staff— no statutory deadline for notice—see contract, policy, collective bargaining agreement



Personnel Issues

Renewal and Non-Renewal of Staff

N.J.S.A. 18A:27-4.1

- **Renewal – Superintendent recommendation, roll call majority vote of full board, no withholding of approval for arbitrary and capricious reasons**
- **Non-renewal – Superintendent determines, notifies board of recommendation prior to notifying employee; no vote**



Personnel Issues

Renewal and Non-renewal of Staff

If I want to review the evaluations and performance history of a staff member who the superintendent recommended for renewal, do I have a right to see it?



Personnel Issues

Renewal and Non-Renewal of Staff

- **Qualified “Yes”;** Information necessary to make an informed decision.
- **Generally accessed through the Superintendent/CSA**
- ***Horner v. Kingsway Regional* 5/1/90**
- ***Beatty v. Chester* 8/31/99**
- ***Ciambrone v. Bloomingdale* 5/7/00**



Personnel Issues

Renewal and Non-Renewal of Staff

Rights of Non-Renewed Staff

- **Statement of Reasons**
N.J.S.A. 18A:27-3.2
- **Informal Appearance Before the Board**
N.J.S.A. 18A:27-4.1, N.J.A.C. 6A:10-8.1
- **Post- Appearance Board Actions**
**Not Vote, Vote, Notification to employee
within 3 days**
- **Appeal – Commissioner, Arbitration**



QUESTIONS

