

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

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Monitored

Mandated

Other Reasons

Policy

RECRUITMENT, SELECTION AND HIRING

The board believes that the quality of the staff in large part determines the quality of the education offered district students. Therefore, the superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district students.

All Township of Union School District staff positions shall be created only with the approval of the board of education. It is the board's responsibility to determine the number of positions necessary to meet the educational needs of the students.

Before any new position is established, the superintendent shall present for the board's approval a job description for the position which specifies qualifications and duties.

The board further directs the superintendent or a designee to maintain a comprehensive and timely collection of job descriptions for all professional staff positions in the school system.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The superintendent shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

All teachers hired by the board for programs in the district supported with Title I, part A funds shall be highly qualified, as defined by federal law. All teachers of core academic subjects (English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and government) hired by the board shall be highly qualified.

It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The superintendent shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For superintendent candidates, the board shall take similar steps. This includes, but is not limited to, ensuring the candidate supplies official transcripts to verify that credentials are from an accredited institution. The Manager of Human Resources shall have responsibility for ensuring the documents are received, verifying credentials, and reporting to the board on the process. Documents shall not be accepted from non-accredited institutions or any fraudulent source.

The superintendent shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, nationality, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties, responsibilities and ability to perform the job.

The board shall not pay tuition reimbursement, salary increases, or approve promotions for any employee based on credits earned from a non-accredited institution. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a

RECRUITMENT, SELECTION AND HIRING (continued)

non-accredited institution, the board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.

The superintendent in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

The board shall affirm employment and initial placement on the salary guide by a recorded roll call majority vote of the full membership of the board.

The board shall appoint all staff members only from nominations made by the superintendent. Should a nominee be rejected, it shall be the duty of the superintendent to make other nominations.

ECIA Title I and Migrant Personnel Employed During the Summer

Approved Title I funded basic skills and migrant summer programs shall begin on or after July 1 with the following exception:

An operating agency may initiate a summer project prior to July 1 provided there is a board policy which permits staff to be hired for summer school projects once the official school year has ended prior to June 30.

If the employment of district staff is in accordance with the above stated exception, Title I and/or migrant summer projects may not begin before July 1 of the current school year.

In order to apply the above stated criteria, it may be necessary to refer to the current teachers' (or supervisors') salary contract. The board policy must be submitted with the Title I basic skills and migrant applications before approval will be granted.

Employment of Teachers After the School Year Officially Closes

The board may, upon the recommendation of the superintendent, employ teachers after the school year officially closes in June and before the school year officially opens in September for students. The purposes of this summer employment may include but is not limited to: remedial instruction; basic skills programs; curriculum workshops and curriculum writing.

Teachers employed for these purposes shall receive additional compensation even if the work performed is prior to June 30 or after September 1, provided the days worked take place outside of their regular work year.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

RECRUITMENT, SELECTION AND HIRING (continued)Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy, if he/she has not had a break in public service for a period of time greater than seven days;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service.
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Adopted: June 1999
 NJSBA Review/Update: March 2012
 Readopted: June 2013

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:6-7.1, -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
N.J.S.A. 18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:13-40 General powers and duties of board of newly created regional districts
N.J.S.A. 18A:16-1 Officers and employees in general
N.J.S.A. 18A:26-1, -1.1, -2 Citizenship of teachers, etc.
N.J.S.A. 18A:27-1 et seq. Employment and Contracts
See particularly:
N.J.S.A. 18A:27-4.1

RECRUITMENT, SELECTION AND HIRING (continued)

<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	<u>Domestic Partnership Act</u>
<u>N.J.S.A.</u> 52:14-7	Residency Requirements
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
See particularly:	
<u>N.J.A.C.</u> 6A:7-1.4,-1.8	
<u>N.J.A.C.</u> 6A:9-6.1 <u>et seq.</u>	Types of Certificates
<u>N.J.A.C.</u> 6A:9-8.1 <u>et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C.</u> 6A:9-11.1 <u>et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C.</u> 6A:9-12.1 <u>et seq.</u>	Requirements for Administrative Certification
<u>N.J.A.C.</u> 6A:10:1.1 <u>et seq.</u>	Educator effectiveness
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1	Standards for determining seniority

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

No Child Left Behind Act of 2001, Pub. L. 107-110 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4/4212.4	Employee health
	4112.5/4212.5	Criminal history check
	*4112.6/4212.6	Personnel records
	*4112.8	Nepotism
	*4121	Substitute teachers
	*4222	Noninstructional aides
	*5120	Assessment of individual needs
	*6010	Goals and objectives

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