

Policy

BOARD MEMBER ACCESS TO CERTAIN EMPLOYMENT APPLICATIONS AND OTHER PUBLIC RECORDS

The Chester Board of Education recognizes that by statute, the New Jersey State Legislature and Commissioner of Education have determined that only the chief school administrator possesses the appropriate certifications, licensure, expertise and authority to make recommendations to appoint, transfer or remove certificated or non-certificated district employees, and that board members may not act independently to hire, fire or otherwise discipline employees, without the statutorily mandated recommendation of the chief school administrator.

Nevertheless, to the extent that board members may from time to time request to review certain permitted employee applicant materials before voting on personnel appointments, the board recognizes the importance of placing reasonable conditions and limitations upon board member review of personal and confidential employee applications, including the times and places for review of said materials by individual board members, so that the orderly administration and operation of the Chester Public Schools and the timely filling of vacancies will not be compromised by demands for access on the part of individual board members.

Accordingly, board members access to appropriate confidential employment applications and use of the information contained therein, as well as other public records, shall be reasonably limited in the following manner:

- A. In requesting and reviewing personnel or other permitted documents, board members shall show the proper decorum, courtesy and respect to the district's administration and staff when requesting and accessing such information, in accordance with this policy, as well as the board's policy 9721 Code of Ethics, regarding the board member code of ethics.
- B. All board members shall be given not less than five (5) business days notice of the intention of the board secretary/business administrator, to place on the board's agenda, action regarding any employment, promotion, transfer, or personnel action upon which the board will be requested to act, except in the event of a bona fide emergency.
- C. All requested eligible records shall be made available for review at the board office main conference room during the regular business hours of 9:00 a.m. through 12:00 p.m. and 1 :30 p.m. through 3:30 p.m., on Tuesday through Thursday of each week on days when the schools are open, subject to the appointment procedures set forth more fully below.
- D. During the five (5) day notice period set forth in paragraph 2 above, any board member may schedule an appointment to review requested employee applicant records by forwarding a written advance notice and request to the board secretary/business administrator, who shall have custody and control of all of the candidates' files, and shall make available those files and/or portions of employee files which are appropriate for individual board member review.
- E. Upon receiving a written request from a board member, the board secretary/business administrator shall within (2) two business days of the request set an appointment time for the requesting board member to review the records, and the board member shall adhere to the appointment time given. Failure of any board member to appear at their scheduled appointment time will result in the review time being rescheduled at the discretion of the board secretary/business administrator. The board secretary/business administrator may in his/her discretion, designate an observer to be present during any board member's review of files board members reviewing any confidential employment related records or documents referred to in this policy shall maintain appropriate confidentiality with regard thereto and may neither photocopy nor remove any such documents from the board office, nor may the board members discuss

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the contents of the personnel documents in public. Nothing contained in this paragraph shall be construed as limiting the right of a board member to make personal notes, which may be used in closed session discussion of various candidates at the board meeting at which action is to be taken, or with respect to any discussions regarding the evaluation of the chief school administrator. All discussions regarding the chief school administrator's recommendations and consideration of candidates and applicants, as it relates to the evaluation of the chief school administrator shall be held in closed session, unless the chief school administrator consents to public discussion.

- F. Should board members breach the confidentiality of any reviewed employee records or employment application records, they shall be subject to discipline as a board member pursuant to board policy 9721 Code of Ethics, board member discipline and conduct, as well as any other remedy available to the board or the individual employees involved.
- G. If the information requested by the board member is not in the building or in immediately available, normal office procedures will not be interrupted to compile the requested applications. An alternate appointment will be made for the board member as soon as practicable.

Adopted:	November 9, 1999
Revised:	July 31, 2003
NJSBA Review/Update:	January 2009, August 2016, September 2018
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Key Words

Employment Applications, Confidential, Confidentiality, Code of Ethics

Legal References: N.J.S.A. 18A:27-4.1 Appointment., transfer, removal, or renewal, of officers and employees; exceptions

Horner v. Board of Education of Kingsway Regional High School District, 1990, SLD 752

Rotondo v. Carlstadt-East Rutherford Regional High School District, 276 NJ Super 36 (App. Div. 1994)

Cross References: *9270 Conflict of interest
 *9271 Code of Ethics

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