Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 4211 Adopted : 02/18/2014 Revised : 08/28/2018 Reviewed : 05/06/2024

Recruitment, Selection and Hiring

The board guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, 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, 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 and responsibilities of the job.

The chief school administrator shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of the district. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

The chief school administrator or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law A

The board of education shall appoint all staff members only from nominations made by the chief school administrator. All appointments shall be by recorded roll call majority vote of the full membership of the board. The chief school administrator shall adhere to the following in recruiting and interviewing candidates:

A. There will be no discrimination in the employment process in 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, atypical hereditary cellular or blood trait of any individual, disability, nationality, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job;

B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and

C. It shall be the duty of the Chief School Administrator 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 and proof of citizenship or eligible alien status.

The chief school administrator is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the board of education and signed by the candidate. It shall be the responsibility of the chief school administrator to communicate this fact to all candidates.

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.

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. However if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;

C. 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 accepting a new appointment within the district shall not be considered a break in public service.

D. Any 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.

Employment History - Definitions

For the purpose of this policy:

A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);

B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

A. A list, including name, address, telephone number and other relevant contact information of the applicant's:

1. Current employer;
2. All former employers within the last 20 years that were schools; and
3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;

B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;

C. A written statement as to whether the applicant:

1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct;
3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or

C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than $500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The chief school administrator or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

A. Verify the information provided by the applicant; and

B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;

B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the appropriate authorities;

C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

A. The applicant has complied and provided the information requested;

B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and

C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

Key Words

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

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination

N.J.S.A. 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment
N.J.S.A. 18A:6-7.6 through N.J.S.A. 18A:6-7.13	Employees; qualifications; discrimination, prohibitions
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:16-1	Officers and employees in general
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
N.J.S.A. 18A:39-17 through -20 See particularly: N.J.S.A. 18A:39-19.1	Names, social security numbers, and certification of bus driver's license and criminal background check
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.S.A. 26:8A-1 et seq.	Domestic Partnership Act
N.J.S.A. 39:3-10.1	Driver of motor vehicle or trackless trolley with capacity over six passengers; special license
N.J.S.A. 52:14-7	Residency Requirements
N.J.A.C. 6A:7-1.1 et seq. See particularly: N.J.A.C. 6A:7-1.4,-1.8	Managing for Equality and Equity in Education

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

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

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible Cross References:

*2131	Chief school administrator
*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
4000	Concepts and roles in personnel
4010	Goals and objectives
*4123	Classroom aides/paraprofessionals
*4211.1	Nondiscrimination/affirmative action
*4212.4	Employee health
4212.5	Criminal history check

*4212.6	Personnel records
*4212.8	Nepotism
*4219.23	Employee substance abuse
*4222	Noninstructional aides
*6010	Goals and objectives
9123	Appointment of board secretary
9124	Appointment of business official

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