

Policy

RECRUITMENT, SELECTION AND HIRING

The Chester Board of Education 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 board believes that the quality of the professional staff in large part determines the quality of the education offered district students. Therefore, the chief school administrator shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district students. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

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

Transparency in Job Listings

The school, through its lead person or their designee, shall make reasonable efforts to announce, post, or otherwise make known opportunities for promotion (defined as a change in title with an increase in compensation) that are advertised internally within the school or externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the district prior to making a promotion decision. Any promotion for a current employee that is awarded on the basis of years of experience or performance shall not be subject to the notification requirements established in this policy. Nothing in this policy shall be construed to prohibit the school from making a promotion on an emergent basis due to an unforeseen event.

The school shall disclose in each posting for new jobs and transfer opportunities that are advertised by it either externally or internally the hourly wage or salary, or a range of the hourly wage or salary, and a general description of benefits and other compensation programs for which the employee would be eligible. Nothing in this policy shall be construed to prohibit the board from increasing the wages, benefits, and compensation identified in the job opening posting at the time of making an offer for employment to an applicant.

In accordance with the Every Student Succeeds Act, all teachers hired by the board for programs in the district supported with Title I, part A funds shall meet the State certification and licensure requirements. 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 possess the appropriate certification including having a bachelor's degree from an accredited institution of higher learning and:

- A. Complete an undergraduate major in the appropriate subject area;

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B. Hold a graduate degree in the subject area; or

C. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area.

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 Against Discrimination.

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, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The chief school administrator 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 chief school administrator candidates, the board shall take similar steps. Documents shall not be accepted from non-accredited institutions or any fraudulent source. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a 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 chief school administrator 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, 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, or other conditions not related to the duties and responsibilities of the job.

The chief school administrator shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The chief school administrator 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 chief school administrator. Should a nominee be rejected, it shall be the duty of the chief school administrator to make other nominations.

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:

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- 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. An employee hired by the district who was a non-resident public employee 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;
- 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 made 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:	October 8, 2002
NJSBA Review/Update:	October 2008, August 2016
Readopted:	April 27, 2009
Revised:	August 12, 2003, May 27, 2014, March 19, 2026

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

See particularly:

N.J.S.A. 10:5-3

N.J.S.A. 18A:3-15. 1 et seq. Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or

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	occupation
<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
<u>N.J.S.A.</u> 18A:6-7.6 through <u>N.J.S.A.</u> 18A:6-7.13	Employees; qualifications; discrimination, prohibitions
<u>N.J.S.A.</u> 18A:6-76.1	Deadline for notification to students of requirements of provisional certificate and induction program
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:13-40	General powers and duties of board of newly created regional districts
<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
<u>N.J.S.A.</u> 18A:26-1, -1.1, -2	Citizenship of teachers, exceptions
<u>N.J.S.A.</u> 18A:27-1 <u>et seq.</u>	Employment and Contracts
See particularly:	
<u>N.J.S.A.</u> 18A:27-4.1	
<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> 34:6B-23	Transparency in Employment Listings
<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, -1.5, -1.6, -1.8	
<u>N.J.A.C.</u> 6A:9B-5.7	Citizenship requirement
<u>N.J.A.C.</u> 6A:9B-5.8	Endorsement requirements
<u>N.J.A.C.</u> 6A:9B-6.1 <u>et seq.</u>	College courses and certification
<u>N.J.A.C.</u> 6A:9B-8.1 <u>et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C.</u> 6A:9B-10.1 <u>et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C.</u> 6A:9B-11.1 <u>et seq.</u>	Additional requirements or exceptions to requirements for instructional certification with special endorsements
<u>N.J.A.C.</u> 6A:9B-12.1 <u>et seq.</u>	Requirements for administrative certification
<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

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. 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

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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)

Every Student Succeeds Act, Pub. L. 114-95, 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	Lead person
	4000	Concepts and roles in personnel
	*4111.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4	Employee health
	4112.5	Criminal history check
	*4112.6	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.