

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4111

Monitored

Mandated

Other Reasons

Policy

RECRUITMENT, SELECTION AND HIRING

The board believes that the quality of the professional 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 professional 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 board secretary 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, or other conditions not related to the duties, and responsibilities of 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

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

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
<u>See particularly:</u>	
<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: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:32-4.8	Support residencies for regularly certified, inexperienced first-year principals
<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	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.

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4111.1/4211.1

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

The Township of Union Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of 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, disability, nationality, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action/equity program shall be a part of every aspect of employment not limited to but including upgrading; demotion or transfer; recruitment or recruitment advertising; renewal or non-renewal; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

The board-designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

Harassment and Favoritism

The board of education is an affirmative action employer and holds all its employees responsible for maintaining a working environment that is free from all discriminatory practices. Harassment or favoritism on any basis included in the board's statement of equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions that constitute harassment and favoritism. This material shall be included in the legally mandated affirmative action inservice training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, appropriate disciplinary action will follow. All such determinations shall be reported to the board.

Sexual Harassment

The board of education shall maintain a working environment that is free from sexual harassment.

Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Affirmative Action Officer will receive all complaints and carry out a prompt and thorough investigation and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)"Whistleblower" Protection

The board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the board; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

The board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the Conscientious Employee Protection Act.

Report on Implementation

The superintendent shall devise regulations, including grievance forms and procedures to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the affirmative action officer and the implementing procedures.

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

Key Words

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action, Domestic Partnership Act

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 10:5-3, -4.1,</u> <u>-12, -27</u> <u>N.J.S.A. 18A:6-5</u> <u>N.J.S.A. 18A:6-6</u> <u>N.J.S.A. 18A:18A-17</u> <u>N.J.S.A. 18A:26-1</u> <u>N.J.S.A. 18A:26-1.1</u> <u>N.J.S.A. 18A:29-2</u> <u>N.J.S.A. 26:8A-1 et seq.</u> <u>N.J.S.A. 34:19-1 et seq.</u> <u>N.J.A.C. 6A:7-1.1 et seq.</u> <u>See particularly:</u> <u>N.J.A.C. 6A:7-1.4, -1.8</u> <u>N.J.A.C. 6A:30-1.1 et seq.</u> <u>N.J.A.C. 6A:32-14.1</u>	Law Against Discrimination Inquiry as to religion and religious tests prohibited No sex discrimination Facilities for handicapped persons Citizenship of teachers, etc. Residence requirements prohibited Equality of compensation for male and female teachers <u>Domestic Partnership Act</u> <u>Conscientious Employee Protection Act</u> Managing for Equality and Equity in Education Evaluation of the Performance of School Districts Review of mandated programs and services
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Executive Order 11246 as amended

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

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

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

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

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Vinson v. Superior Court of Alameda County, 740 P. 2d 404 (Cal. Sup. Ct. 1987)

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

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4112.8	Nepotism
	*4147	Employee safety
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

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

Regulation

EMPLOYEE RIGHTS

The board of education of Union is cognizant of its duties under the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq., which protects employees from retaliation in the workplace when, after notification to the employer, they disclose, or threaten to disclose, information regarding activity, policy or practice of the employer which they reasonably believe is in violation of a law or a rule or regulation promulgated pursuant to law.

In order to implement the provisions of this Act, the board of education hereby directs the superintendent to prepare an appropriate notice to employees regarding these rights and to prepare a form to accommodate notices from employees.

The Township of Union Board of Education does hereby nominate and appoint the following personnel to be the recipient of any and all notices filed by the employees under this Act:

DIRECTOR OF ADMINISTRATION
AFFIRMATIVE ACTION OFFICER
2369 Morris Avenue
Union, New Jersey 07083

Adopted: June 1999
Updated: June 2013

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4112.2
 X **Monitored**
 Mandated
 Other Reasons

Policy

CERTIFICATION

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. All personnel hired shall have proper certification as required by the state board of education. The superintendent will take appropriate steps to avoid the employment of teachers with revoked or suspended certificates.

Validity of certification must be verified with the county office.

The superintendent must receive valid evidence of proper certification or qualifications to pursue the alternative route to certification before presenting a candidate to the board.

Reporting of Arrests, Charges and Indictments

All certificated staff members who are charged, arrested or indicted for a crime or offense must submit a report to the superintendent of the charge, arrest or indictment, including (but not limited to) disorderly persons offenses and drunk driving arrests. This reporting requirement pertains to both in-state and out-of-state offenses and crimes. Pursuant to N.J.A.C. 6A:9-17.1(c) the employee will make the report within fourteen (14) days. The staff member shall also report the disposition of any charges within seven (7) days of the disposition.

Failure to comply with these reporting requirements may be deemed "just cause" to revoke or suspend the certificate(s) of any certificate holder pursuant to N.J.A.C. 6A:9-17.5.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

Provisionally Certified Teachers

The board of education encourages the employment of provisionally certified teachers for service in their first and second years of employment. The building principal or other appropriately certified administrator shall observe and evaluate all provisionally certified teachers in the first year of employment in conformance with the schedule described in the administrative code.

Mentoring Novice Teachers

In order to enhance student achievement of the Core Curriculum Content Standards by enhancing the skills of inexperienced teachers, identifying exemplary teaching skills and practices necessary for excellent teaching and assist novice teachers in adjusting to the challenges of teaching, the board shall ensure the development of a mentoring plan for all novice teachers employed in the district.

The plan shall provide each novice teacher with in-person contact with a mentor teacher (who may be a retired teacher or administrator) who shall provide confidential support and guidance to the novice teacher. The plan shall be developed by the local Professional Development Committee, approved by the board, and aligned with the professional standards for teachers as set forth in administrative code. Included in the plan shall be criteria for selection and training of mentor teachers. Implementation of the district mentor plan shall be in compliance with the administrative code.

CERTIFICATION (continued)

The board shall annually submit a report with required data to the State Department of Education on the effectiveness of the local mentoring plan. State funds appropriated for the novice teacher mentoring program shall be applied in accordance with law and code.

Special Education

All personnel serving students with disabilities shall be appropriately certified and licensed, where a license is required.

NJSBA Review/Update: March 2012
Adopted: June 2013

Key Words

Certificates, Certification

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:6-38	Powers and duties of the board; issuance and revocation of certificate; rules and regulations
<u>N.J.S.A.</u> 18A:6-39	Issuance of certificates to non-citizens
<u>N.J.S.A.</u> 18A:6-76.1	Deadlines for notification to students of requirements of provisional certificate and induction program; submission of induction program plan to school districts and Department of Education; coordination of mentor training program
<u>N.J.S.A.</u> 18A:26-1, -2, -8.1, -9	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:26-2.1 <u>et al.</u>	Supervisory certificate required for appointment as director of athletics
<u>N.J.S.A.</u> 18A:27-2	Employment without certificate prohibited
<u>N.J.S.A.</u> 18A:29-1	Uncertified teacher denied salary
<u>N.J.S.A.</u> 18A:40A-4	Preservice training of future teachers; teaching certificate requirements
<u>N.J.A.C.</u> 6:30-2.1(a)8	Purpose and program descriptions (Adult education programs)
<u>N.J.A.C.</u> 6A:9-1.1 <u>et seq.</u>	Professional Licensure and Standards
See particularly:	
<u>N.J.A.C.</u> 6A:9-3.3, 6A:9-8.4	Certificate Holders
<u>N.J.A.C.</u> 6A:9-17 <u>et seq.</u>	See particularly
<u>N.J.A.C.</u> 6A:9-17.1, 6A:9-17.3, 6A:9-17-4(a)	
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<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(d)	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-12.1 <u>et seq.</u>	Reporting requirements

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

Possible

<u>Cross References:</u> *2131	Superintendent
4010	Goals and objectives
*4111	Recruitment, selection and hiring
6130	Organizational plan
*6141	Curriculum design/development
*6142.1	Family life education

CERTIFICATION (continued)

- *6156 Instructional planning/scheduling
- *6163.1 Media center/library
- *6164.2 Guidance services
- *6171.4 Special education
- *6200 Adult/community education

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4112.4/4212.4

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

EMPLOYEE HEALTH

Examinations

When a candidate has been given a conditional offer of employment, he/she shall be required to submit to a medical evaluation and a physical examination. This physical examination may include testing for controlled dangerous substances as they are defined in the criminal code. Elements of the examination of newly employed staff shall include but not be limited to those physical exam elements listed in administrative code. Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the superintendent on a confidential basis, discussed with the employee, and made a part of his/her confidential medical record. Records and reports of examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease or exhibits symptoms of substance abuse and, if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the board may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery before reinstatement will be allowed.

In order to protect the students and staff in the district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases. Staff who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to see his/her own physician, with board approval, the employee shall bear the expense.

Employment of Adults Infected by Human Immunodeficiency Virus (HIV)

In accordance with the existing statutes and codes governing the employment of adults infected by Human Immunodeficiency Virus (HIV), the Township of Union Board of Education (board) hereby recognizes its obligation to offer non-discrimination employment to any individual qualified for a position offered by the board. By virtue of this policy, the board directs the administration to recruit employees in a way which ensures this nondiscriminatory philosophy is upheld.

The board accepts the need to maintain strict confidentiality of all employees regarding HIV infection and will not restrict employment or advancement based on awareness of an HIV positive condition. In keeping with this tenet, employee physicals shall not require the disclosure of HIV status. Likewise, no one will be required to disclose his/her HIV status, and should it become necessary to do so, it can only be done with the written consent of the individual so infected.

The only condition which would cause the board to remove an individual from employment under this policy, either temporarily or permanently, would be if and when the individual suffered from weeping skin lesions that

EMPLOYEE HEALTH (continued)

could not be covered.

Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (ECP) shall be provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with federal regulations.

The ECP is a key document to assist the district in implementing and ensuring compliance with the OSHA bloodborne pathogens standard, thereby protecting employees. This ECP includes:

- A. Identification of tasks, procedures and job classifications where occupational exposure to blood occurs;
- B. Procedures for evaluating the circumstances surrounding an exposure incident; and
- C. The schedule and method for implementing the specific sections of the standard, including:
 - 1. Methods of compliance;
 - 2. Hepatitis B vaccination;
 - 3. Post-exposure evaluation and follow-up;
 - 4. Hazard communication requirements;
 - 5. Effective employee training;
 - 6. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The superintendent in consultation with the district medical inspector shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of all requirements for health examinations.

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

Key Words

Physical Examinations, Health Examinations, Employee Physicals, Nondiscrimination, Psychological Examinations, Bloodborne Pathogens

<p><u>Legal References:</u> <u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:16-2 <u>N.J.S.A.</u> 18A:16-3 <u>N.J.S.A.</u> 18A:16-4 <u>N.J.S.A.</u> 18A:16-5 <u>N.J.S.A.</u> 18A:40-10 <u>N.J.S.A.</u> 18A:66-39 <u>N.J.S.A.</u> 26:4-1 <u>N.J.S.A.</u> 26:4-6 <u>N.J.S.A.</u> 26:4-15 <u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:16-1.4 <u>et seq.</u></p>	<p><u>Comprehensive Drug Reform Act of 1987</u> Physical examinations; requirement Character of examinations Sick leave; dismissal Records of examinations Exclusion of teachers and students exposed to disease Disability retirement "Communicable disease" defined Prohibiting attendance of teachers or students Reporting of communicable diseases by physicians <u>AIDS Assistance Act</u> District policies and procedures</p>
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EMPLOYEE HEALTH (continued)

<u>N.J.A.C. 6A:16-2.1</u>	Health services policy and procedure requirements
<u>N.J.A.C. 6A:32-6.1 et seq.</u>	School Employee Physical Examinations
<u>N.J.A.C. 8:61-1.1 et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
<u>N.J.A.C. 12:100-4.2</u>	Safety and Health Standards for Public Employees (Adoption by reference)

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

29 CFR 1910.1030 - Bloodborne Pathogens Standard

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

Cross References: *4111 Recruitment, selection and hiring
*4112.6 Personnel records
4117.50 Standards for staff discipline
4117.52 Dismissal/suspension
*4119.23 Employee substance abuse
4150 Leaves

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

Regulation

PHYSICAL EXAMINATION

A. Definitions

1. "Employee assurance statement" means a statement signed by the employee certifying that information supplied by the employee is true to the best of the employee's knowledge.
2. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.
3. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.
4. "Health screening" means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.
5. "Medical evaluation" means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.
6. "Physical examination" means the assessment of an individual's health.
7. "Psychiatric examination" means an examination for the purpose of diagnosis and treatment of mental disorders.

B. Employees' Initial Physical Examination

Each newly employed staff member shall be required to undergo a physical examination. The physical examination shall include, but is not limited a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his/her physician which shall include the employee's:
 - a. Past serious illnesses and injuries;
 - b. Current health problems;
 - c. Allergies; and
 - d. Record of immunizations.
2. The employee shall submit to health screenings which shall include his/her:
 - a. Height and weight;
 - b. Blood pressure;
 - c. Pulse and respiration rate;
 - d. Vision screening;
 - e. Hearing screening.
3. Health screening shall also include a Mantoux test for the presence of tuberculosis.
 - a. A newly employed member will be exempt from the Mantoux test if he/she presents satisfactory documentation of a test
 - (1) Administered in a New Jersey school district from which the member has transferred, or
 - (2) Administered in any place within the six months previous to the member's initial employment in this district.
 - b. Procedures for the administration of the Mantoux test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines issued by the State Department of Health and titled School Tuberculin Testing in New Jersey.
 - c. If the results of the Mantoux test so indicate, the employee shall be referred for a chest X-ray and medical evaluation to determine the presence of tuberculosis at the employee's expense. The

PHYSICAL EXAMINATION (continued)

employee shall submit the report of the X-ray and evaluation to the school medical inspector. If the school medical inspector does not receive the report within four weeks of the referral or is unwilling to accept the findings of the report, he/she may direct the employee to submit to a chest X-ray examination at Board expense, the results of which will be reported directly to the school medical inspector.

- d. An employee who presents a physician's or nurse practitioner's documentation, acceptable to the school medical inspector, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.
4. A medical evaluation that shall be limited to those assessments or information necessary to determine the employee's physical and mental fitness to perform with reasonable accommodation in the position which the employee seeks or currently holds and to detect any health risks to students and other employees. The employee's medical evaluation shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in "Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP)", available from the Immunization Program, Centers for Disease Control, Public Health, U.S. Department of Health and Human Services, Atlanta, GA 30333.
 5. All staff members may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.
 6. **Testing for CDs or other illicit substances shall also be required.**

C. Health Records

1. All employee medical records, including computerized records, shall be secured, and shall be stored and maintained separate from other personnel files.
2. Only the employee, the superintendent, and the school medical inspector shall have access to the medical information in that individual's file.
3. The portion of the employee's medical record containing a health history may be shared with the Principal and the school nurse with the consent of the employee, as provided in B.5.above.

D. Employees' Physical Examination and Medical Updates

School employee physical, examinations and/or annual medical updates shall not require disclosure of HIV status.

Adopted: June 2013

Policy

PERSONNEL RECORDS

Orderly administration of the school district and compliance with state and federal law require the compilation of information about all employees of the district. The board of education recognizes that there is a distinction between those personnel records that are clearly a matter of public concern and those that must be considered privileged until such time as they are opened to the public by the commissioner of education or the courts.

The superintendent shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The superintendent and the board attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

In accordance with federal law, the superintendent shall establish procedures to release information upon request regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their children.

The superintendent shall establish the necessary regulations for maintaining both public and confidential employee records.

- A. The public file shall consist of an alphabetic index of all those presently employed by the district in whatever capacity. The information in this file shall be limited to name, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The superintendent shall devise procedures for making this file available to the public in accordance with the Open Public Records Act;
- B. The confidential file shall consist of an individual personnel folder for each current employee. The information in this file shall include all records mandated by state and federal law; evaluation of performance; record of attendance; original application filed by the employee; original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law. This file is available for examination:
 1. At any time, by the superintendent or the supervisory personnel he/she designates;
 2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
 3. During regular business hours, or at any meeting of the board or any committee thereof, by any member of the board when necessary to make an informed decision regarding any assigned board responsibility or duty.
- C. Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the chief medical inspector and the superintendent shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee;
- D. Staff emergency contact cards for all employees shall be maintained by the superintendent and updated annually.

PERSONNEL RECORDS (continued)

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

Key Words

Records, Personnel Records, Employee Records

Legal References: N.J.S.A. 18A:6-7 Oaths of persons employed in teaching capacities
N.J.S.A. 18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
N.J.S.A. 18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A et seq. Examination and copies of public records (Open Public Records Act)
N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations
N.J.A.C. 12:100-4.2 Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

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

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., 1971 S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd. 1974 S.L.D. 323

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

PERSONNEL RECORDS (continued)

Lacey Township Board of Education v. Lacey Township Education Association, 130 N.J. 312 (1992)

Beatty v. Chester 1999 S.L.D. August 31

Ciambrone v. Bloomingdale 2000 S.L.D. May 7

Possible

Cross References: *3570 District records and reports
*4111 Recruitment, selection and hiring
*4112.4 Employee health
*4115 Supervision
*4116 Evaluation
*5141.4 Child abuse and neglect

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4112.8/4212.8

Monitored
 Mandated
 Other Reasons

Policy

NEPOTISM

Definitions

"Nepotism" for the purpose of this policy shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a relationship as a relative or immediate family member of a board member or superintendent.

For the purpose of this policy, "relative" shall be defined as an individual's spouse, civil union partner, domestic partner, or the parent, child, brother, sister, 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.

"Immediate family" shall be defined as board member or school administrator, their spouse, civil union partner, domestic partner, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

Employment/Promotion of Relative

The Township of Union Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not appoint a relative of a board member or of the superintendent to any employment position in this district. The superintendent shall not recommend to the board any relative of a board member or of the superintendent, unless the person is subject to the exception below. Nor shall any person be considered for employment in any position in which he/she would come under the direct or indirect supervision of any relative.

Further, no school district administrator shall supervise, or exercise authority on personnel actions regarding a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternate supervision/reporting mechanisms shall be put in place.

Exceptions

Persons who are employees of the board on the date that this policy becomes effective or the date a relative becomes a board member or superintendent shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The superintendent may recommend those employees for reemployment, transfer, promotion or removal.

A relative of a school board member or superintendent may be employed by the district provided that the district has obtained the approval from the executive county superintendent. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.

Board Member/Superintendent Participation in Negotiations

When a board member or school administrator's relative is a member of the bargaining unit, or receives the benefit of the contract, that board member or school administrator shall not discuss the proposed collective

NEPOTISM (continued)

bargaining agreement with that unit nor participate in any way in negotiations. This includes, but is not limited to, being a member of the negotiating team. Nor shall that board member or school administrator be present with the board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

When a member of a board member's or school administrator's immediate family is a member of the same statewide union with which the board is negotiating, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to: being a member of the negotiating team, prior to the board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total package of money to be offered.

Once such tentative memorandum of agreement is established, including salary guides and/or the total package of money to be offered, the board member or school administrator may fully participate in the process, including board member voting, absent other conflicts. Prior to that time, the board member or school administrator shall not be present with the board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else in the district can provide that information.

A school official who has such relationship with any employee of the district as of the effective date of this policy shall declare such relationship immediately.

Per diem substitutes and student employees are excluded from this nepotism policy.

NJSBA Review/Update: March 2012
Adopted: June 2013

Key Words

Nepotism, Hiring Relatives, Relatives

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 52:13D-13 and 21.2	State conflict of interest law
	<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appealable decisions
	<u>N.J.A.C.</u> 6A:23A-1.2 <u>et seq.</u>	Fiscal accountability; definitions
	<u>N.J.A.C.</u> 6A:23A-6.2 <u>et seq.</u>	Fiscal accountability; nepotism
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595

Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478

Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413

Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)

NEPOTISM (continued)

Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A14-00

N.J. Department of Education 05-13-09 Broadcast # 1 "Nepotism Policy Clarification"

Possible

Cross References: *4111 Recruitment, selection and hiring
*4119.21 Conflict of interest
*9270 Conflict of interest

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

ASSIGNMENT; TRANSFER

The superintendent shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory, administrative and support personnel are subject to assignment and transfer after recommendation of the superintendent and approval by the board of education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated (see 2224, 4111 and 4111.1).

Transfer Request

Staff members who desire transfers shall forward their request to the Superintendent by March 1st.

Each request, if determined to be in the best interest of the school system, will be implemented as soon as practical.

Serving the best interest of the school system as determined by the Superintendent and the Board will be the determining factor in all transfers.

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

Key Words

Personnel Assignment, Personnel Transfer, Assignment and Transfer, Assignment, Transfer

Legal References: N.J.S.A. 18A:25-1 Transfer of teaching staff members
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act
See particularly:
N.J.S.A. 34:13A-23, -25, -27, -29
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-14.1 Review of mandated programs and services

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

ASSIGNMENT; TRANSFER (continued)

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

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

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)

The Comprehensive Equity Plan, New Jersey State Department of Education Division

Possible

Cross References:

*2224	Nondiscrimination/affirmative action
*3220/3230	State funds; federal funds
*4111	Recruitment, selection and hiring
*4111.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6141	Curriculum design/development
*6145	Extracurricular activities
*6160	Instructional services and resources
*6171.3	At-risk and Title 1
*6171.4	Special education

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

Policy

SUPERVISION

The Township of Union Board of Education acknowledges that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the Core Curriculum Content Standards.

Each teacher employed in this district as of the effective date specified in code shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of 100 clock hours of state-approved professional development every five years. Each teacher's professional development plan (PDP) shall incorporate appropriate steps toward this goal and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the state's Core Curriculum Content Standards. The professional development plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, course work, day-long workshops, and classes on certain instructional approaches. Although supervisors shall develop professional development plans in collaboration with teachers, the superintendent shall maintain final authority in determining their appropriate content.

Supervisory assistance and support in achieving the 100 clock hours of state-approved continuing education shall be offered in the context of the district's evaluation process, negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

The superintendent shall develop procedures for supervision of the teaching and administrative staff in performance of their duties that shall not be limited to the observations required for evaluation. Such supervision may include, but need not be limited to, review of lesson plans and teacher-made examinations; regularly scheduled curriculum conferences; and brief, informal classroom observations. The supervisor shall note the teacher's satisfactory fulfillment or non-fulfillment of continuing education requirements identified in the professional development plan.

This policy shall be distributed to each teaching staff member at the beginning of his/her employment.

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

Key Words

Continuing Education, Professional Development Plans, Personnel Supervision, Supervision

Legal References: N.J.S.A. 18A:4-15 General rule-making power
N.J.S.A. 18A:4-16 Incidental powers conferred
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system...
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-3.1 through -3.3 Non-tenured teaching staff; observation and evaluation; conference; purpose ...
N.J.S.A. 18A:28-5 Tenure of teaching staff members
N.J.S.A. 18A:29-14 Withholding increments; causes; notice of appeals
N.J.A.C. 6:30-2.1(a)8 Purpose and program descriptions

SUPERVISION (continued)

<u>N.J.A.C.</u> 6A:9-15.1 <u>et seq.</u>	Required Professional Development for Teachers
<u>N.J.A.C.</u> 6A:32-4.4	Evaluation of tenured teaching staff member
<u>N.J.A.C.</u> 6A:32-4.5	Supervision of instruction: observation and evaluation of nontenured teaching staff members

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4112.6	Personnel records
	*4116	Evaluation
	*4117.41	Nonrenewal
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4215	Supervision
	*4216	Evaluation
	*6143.1	Lesson plans
	*6200	Adult/community education

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4116

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

EVALUATION

The Township of Union Board of Education believes that the effective evaluation of teaching staff is essential to the achievement of the educational goals of the Union Public Schools, including student achievement of the Core Curriculum Content Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve student learning and growth; and provide a basis for the review of staff performance.

The board encourages a positive working environment in which the professional growth that results from staff participation in the evaluation process is considered of major importance. Therefore, the administration shall develop evaluation instruments flexible enough to identify the needs, strengths, and improvement objectives of each staff member.

There shall be job descriptions for each teaching staff member position and evaluation criteria for said positions based directly upon the job description. The job description shall be concise, stating major responsibilities as briefly as possible. Job descriptions are mandated for all certificated positions. All job descriptions shall be presented to the board for approval.

All teaching staff members shall be evaluated against criteria that evolve logically from the instructional priorities and program objectives of each staff member as specified in the job description for his/her position.

Criteria must include but need not be limited to consideration of student progress; instructional skills; subject knowledge; professional conduct and growth; human relations skills; classroom management skills. These criteria shall also apply to requirements for continuing education and shall be incorporated into each teacher's professional development plan. The individual professional development plans (PDP) shall be aligned to professional development standards for teachers.

Tenured teaching staff members shall, at a minimum, be observed and evaluated once each year by properly certified administrators/supervisors. Non-tenured teaching staff members shall be observed and evaluated a minimum of three (3) times each year by properly certified district administrators/supervisors, **in accordance with N.J.A.C. 6A:32-4 et seq., as amended and supplemented.**

Teachers shall be observed for purposes of evaluation for one (1) full class period (high school and middle school) the length of one (1) subject matter instruction (elementary).

The evaluation procedures shall provide continuous, constructive, cooperative interaction and communication between the teaching staff member and his/her supervisor/evaluator, thus ensuring a valid basis for performance review. All procedures for the evaluation of teaching staff members shall be in compliance with law and regulation, **as amended and supplemented.**

All evaluative procedures shall include review of each teacher's progress toward achievement of the state-required goal of one hundred (100) clock hours of professional development every five (5) years. Evaluative procedures shall recognize that the purpose of this goal is to assist teaching staff in obtaining and maintaining the knowledge and skills essential to student achievement of the state's Core Curriculum Content Standards. In any instance where an individual teacher fails to make annual progress toward meeting the 100-hour requirement, or where a professional fails to satisfy the requirement fully within the five-year period, the district administration shall take appropriate remedial action, applying sound and accepted principles of progressive supervision as well as by using existing laws and rules to the fullest extent.

EVALUATION (continued)

The Superintendent of Schools shall provide each teaching staff member with a copy of this policy statement, and a copy of the district's evaluation instrument annually by October 1, and shall distribute any amendments to those documents within ten (10) working days of their becoming effective. Evaluations shall be completed before May 16 in compliance with law.

The Superintendent of Schools shall report on the effectiveness of the evaluation system and shall recommend means to improve it whenever desirable.

The Superintendent of Schools shall, in the implementation of this policy, develop procedures in consultation with teaching staff members for:

- A. The collection and reporting of data which are appropriate to the job description and minimally include the observation of classroom instruction;
- B. Observation conferences between the teaching staff member and the supervisor; the preparation of a written evaluation for each of the three observations of non-tenured staff members; and an evaluation for each observation of a tenured staff member;
- C. The preparation of individual professional improvement plans;
- D. The preparation by the administrator/supervisor of an annual written performance report which shall include the annual evaluation of the teacher, an individual professional improvement plan developed by the staff member and the administrator/supervisor, and a summary of the results of the formal and informal assessment of his/her pupils along with a statement of how these indicators related to the effectiveness of the overall program and the performance of the staff member;
- E. The conduct of the annual summary conference;
- F. The signing of the annual written performance report by the properly certified administrator/supervisor and the staff member.

All such procedures shall conform to law.

Adopted: June 1999
 Revised: September 14, 2010
 NJSBA Review/Update: March 2012
 Readopted: June 2013

Key Words

Evaluation, Teacher Evaluation, Personnel Evaluation

Legal References: N.J.S.A. 18A:4-15 General rule-making power
N.J.S.A. 18A:4-16 Incidental powers conferred
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:27-3.1 through -3.3 Non-tenured teaching staff; observation and evaluation; conference; purpose
N.J.S.A. 18A:27-10 et seq. Nontenured teaching staff member; offer of employment for

EVALUATION (continued)

	next succeeding year or notice of termination before May 31
<u>N.J.S.A.</u> 18A:28-5	Tenure of teaching staff members
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.A.C.</u> 6:30-2.1(a)8	Purpose and program descriptions
<u>N.J.A.C.</u> 6A:9-15.1 <u>et seq.</u>	Required Professional Development for Teachers
<u>N.J.A.C.</u> 6A:32-4.1(e) (f)	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-4.4	Evaluation of tenured teaching staff members
<u>N.J.A.C.</u> 6A:32-4.5	Evaluation of nontenured teaching staff members
<u>N.J.A.C.</u> 6A:32-4.6	Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment
<u>N.J.A.C.</u> 6A:32-5.1 <u>et seq.</u>	Standards for determining seniority

Lacey Township Bd. of Ed. v. Lacey Township Education Association, 130 N.J. 312 (1992), aff'g 259 N.J. Super. 397 (App. Div. 1991)

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4112.6	Personnel records
	*4115	Supervision
	*4117.41	Nonrenewal
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4215	Supervision
	*4216	Evaluation
	*6143.1	Lesson plans
	*6200	Adult/community education

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

Policy

REDUCTION IN FORCE/ABOLISHING A POSITION

The Township of Union Board of Education has the right under state law to abolish unilaterally any existing position in whole or in part and to reduce the number of employees in any category for reasons of economy, reduction in the number of students, change in the administrative or supervisory organization, change in the educational program or other good cause.

Should it become necessary to reduce the number of employees in the district, the laws and regulations of the state shall be the controlling guides. If, in the case of such reduction, candidates for termination are nontenured personnel only, the primary basis for selection for termination or reduction shall be the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

If, in the case of such reduction, candidates for termination or reduction in grade are tenured in this district, the state regulations regarding seniority shall be the primary basis for decision. In the event that there should be equal applicable seniority among staff members, the decision for reduction or termination shall be based on the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

The superintendent shall maintain a seniority list of all certified personnel, which shall be in accordance with applicable state law.

In no case shall any choice be based on arbitrary, capricious or discriminatory reasons.

The superintendent shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the board for action.

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

Key Words

RIF, Reduction in Force, Abolishing a Position, Nontenured Teachers

Legal References: N.J.S.A. 18A:28-5 Tenure of teaching staff members
N.J.S.A. 18A:28-9 Reduction of force; power to reduce and reasons for reduction
N.J.S.A. 18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
N.J.S.A. 18A:28-11 Seniority; board to determine; notice and advisory opinion
N.J.S.A. 18A:28-12 Dismissal of persons having tenure on reduction; reemployment
N.J.A.C. 6A:9-5.5 Assignment of titles
N.J.A.C. 6A:32-5.1 Standards for determining seniority

Dennery v. Passaic County Regional High School District Bd. of Ed., 131N.J. 626 (1993)

Primka v. Edison, 93 NJAR 2d (EDU) 91 aff'd State Board 93 NJAR 2d (EDU) 94 aff'd

REDUCTION IN FORCE/ABOLISHING A POSITION

App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994

Impey v. Board of Education of Shrewsbury, 142 N.J. 388 (1995)

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1542 (3d Cir. 1996)

Possible

Cross References: *2131 Superintendent
*4116 Evaluation
*4117.41 Nonrenewal

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

Regulation

CONDUCT OF REDUCTION IN FORCE

Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The superintendent will

- A. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.
- B. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-5. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Principal, Assistant Principal, Vice Principal, supervisor, educational services personnel, school nurse, school athletic trainer, teacher and such other employees as are in positions which require them to hold appropriate certificates in full force and effect.
- C. Calculate length of service in each category within a tenure position in which the employee has earned tenure.
 1. Length of service may be expressed in calendar months and days or in calendar years and portions of years, to two decimal places.
 2. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously rified employees, the day on which the employee's district service was terminated.
- D. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days, consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.
- E. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.
- F. Enter the total amount of service for the member's initial category of employment.
- G. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with ¶A1 through ¶A4 and enter separately.
 1. Service in succeeding categories is included in the member's seniority in each earlier category.
 2. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.

RIF Procedures

- A. Determine the category or categories of employment to be reduced in number in a reduction in force.

CONDUCT OF REDUCTION IN FORCE

- B. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with policy No. 4117.4/4217.4.
- C. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.
- D. If there are no positions within his/her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his/her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.
- E. If there are no positions to which he/she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he/she was previously employed in the district, in accordance with the procedure set forth in ¶B3 through ¶B4 above.
- F. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he/she shall be dismissed, shall receive sixty days' notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he/she was employed by the district.

Adopted: May 19, 2009
Readopted: June 2013

NONRENEWAL

Any teacher who is not under tenure and who is to be released at the end of any current school year shall be notified of such intention in conference with either the building principal, a member of the superintendent's staff, or both. Such notification shall be made official in writing by April 30th of such school year. Copies of such letter of release shall be made a part of the documentation materials of the agenda of the board of education at the meeting subsequent to such notice.

A timely written request from a nontenured teaching staff member for a written statement of reasons for nonreemployment will be honored by the Township of Union Board of Education in accordance with law and code.

An informal appearance before the board may be requested in writing within 10 calendar days and shall be scheduled within 30 days of receipt of the board's statement of reasons.

It is the board of education's prerogative to determine the date, starting time and length of an informal appearance, the purpose of which shall be to permit the staff member a final opportunity to convince the board of education to offer reemployment. Written notice of date and time will be provided to the staff member at least five days prior to the informal appearance.

The nontenured teaching staff member may be represented by counsel or one individual of his/her choosing and may present witnesses on his/her behalf. Those witnesses are not subject to cross-examination by the board of education and will be excused from the hearing after making their statements.

Within three days following the informal appearance, the board of education or its designee will notify the teaching staff member, in writing, of the board's final decision.

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

Key Words

Nonrenewal, Nontenured Teachers

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:27-3.1	Non-tenured teaching staff; observation and evaluation; conference; purpose
<u>N.J.S.A.</u> 18A:27-3.2	Teaching staff member; notice of termination; statement of reasons; request; written answer
<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
<u>N.J.S.A.</u> 18A:27-10 <u>et seq.</u>	Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
<u>N.J.A.C.</u> 6A:32-4.1 <u>et seq.</u>	Employment of teaching staff
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:32-4.1(e), -4.1(f)	

NONRENEWAL (continued)

N.J.A.C. 6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment

Donaldson v. North Wildwood Bd. of Ed., 65 N.J. 236 (1974)

Hicks v. Pemberton Township Board of Education, 1975 S.L.D. 332

Velasquez v. Brielle Board of Education, 97 N.J.A.R. 2d (EDU) (August 6), aff'g on different grounds Comm'r 96 N.J.A.R. 2d (EDU) (April 4)

Possible

Cross References: *4115 Supervision
*4116 Evaluation
*4117.4 Reduction in force/abolishing a position

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

Policy

FREEDOM OF SPEECH

Employees whose statements cause interference with the regular operations of the schools, disrupt harmony among staff members or hinder the maintenance of supervision by administrators will be subject to disciplinary action by the board. Such action may include dismissal

First Reading: June 1999
NJSBA Review/Update: March 2012
Readopted: June 2013

Key Words

Freedom, Rights, Freedom of Speech

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111.1/4211.1	Nondiscrimination/affirmative action
	4118.1	Rights, responsibilities and duties
	4118.4	Academic freedom
	4119.22/4219.22	Conduct and dress

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

Policy

GRIEVANCES

The Township of Union School District shall develop and practice reasonable and effective means of resolving difficulties which may arise among employees. The superintendent shall oversee the implementation of a grievance procedure that:

- A. Ensures prompt response to staff grievances;
- B. Is fair and in compliance with law and board policy 4111.1/4211.1 Affirmative Action/Nondiscrimination;
- C. Establishes and maintains recognized channels of communication between staff and administration; and
- D. Reduces potential areas of grievances.

With the ultimate goal of serving the educational welfare of children, the informal grievance procedure following provides for the prompt and equitable adjustment of differences. It is essential that full cooperation be given by all employees to achieve these goals.

Each employee shall be assured the opportunity for an orderly presentation and review of concerns and grievances.

No employee shall suffer reprisals or reduction in status as a result of having presented a grievance or having represented an employee in a grievance.

It shall be the general practice to process grievance procedures during time which does not interfere with assigned duties.

An individual employee or his/her representative during the course of the processing of a grievance shall continue to follow administrative directives and board policy.

The board shall comply with grievance procedures set forth in any applicable collectively negotiated bargaining agreements.

NJSBA Review/Update: April 2012
Adopted: June 2013

Key Words

Grievance, Staff Grievance, Grievance Procedure, Negotiated, Bargaining Agreement

Legal References: N.J.S.A. 18A: 11-1 General Powers
N.J.S.A. 18A:27-4 Power of the board to make rules governing the employment of teachers, etc.

Possible

Cross References: *1120 Board of education meetings
*1312 Community complaints
*3570 District records and reports
*4112.6/4212.6 Personnel records
*4116 Evaluation
4148 Employee protection

STAFF GRIEVANCE (continued)

*4116	Evaluation
4248	Employee protection
*5145.6	Student grievance procedure
*6144	Controversial issues
*6161.1	Guidelines for evaluation and selection of instructional materials
*6161.2	Complaints regarding instructional materials
*6163.1	Media center/library
*9010	Role of the member
*9020	Public statements
9123	Appointment of board secretary

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

Regulation

ADMINISTRATIVE COMPLAINT PROCEDURE

A "complaint" is any problem or misunderstanding that may be settled between the parties involved.

The purposes of the complaint procedure are:

- A. To secure, at the lowest possible level, solutions to any problem or misunderstanding that may be settled between the parties involved; and
- B. For the resolution of complaints not covered by the grievance procedure.

The term "Board" is the Township of Union Board of Education.

"Teachers" will carry out all duties, assignments and directives of the board and superintendent while any complaint filed by the teacher is being processed.

Nothing herein contained shall be construed as limiting the rights of any teacher having a complaint from discussing the matter informally with any appropriate member of the administration, and having the complaint adjusted.

This procedure may be used for the resolution of complaints as described in this procedure. Any teacher who has an alleged complaint has the right to pursue its resolution through administrative channels. This process begins with (1) the person's immediate supervisor(s) and (2) proceeds through the superintendent's designee and (3) ends with the office of the superintendent, with the legal right of appeal to the board, the commissioner of education, the state board of education and finally the courts of competent jurisdiction.

If satisfaction is not gained from the immediate supervisor(s), then an appeal to the superintendent's designee shall be made within 15 school days of the action complained of or the alleged complaint shall be deemed abandoned. The superintendent's designee shall render a decision within five days after receiving the appeal.

An appeal to the superintendent shall be made within five school days after the decision of the Superintendent's designee. The superintendent shall render a decision within five days after receiving the appeal.

All decisions by the superintendent's designee and the superintendent shall be in writing.

The time limits specified may be extended by mutual agreement in writing.

Adopted: June 1999

Policy

ACADEMIC FREEDOM

The Township of Union Board of Education believes that the teaching staff members have the following responsibilities in the area of academic freedom:

- A. Commitment to democratic tradition and its methods;
- B. Concern for the welfare, growth and development of children;
- C. Scholarship;
- D. Application of good taste and judgment in selecting and employing materials and methods of instruction;
- E. Awareness of the needs and sensitivities of the community; and
- F. All actions must be in keeping with other appropriate board policies.

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

Key Words

Academic Freedom

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4119.21/4219.21

Monitored
 Mandated
 Other Reasons

Policy

CONFLICT OF INTEREST

An employee of the Township of Union Board of Education shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of his/her duties.

An employee of the board shall not use or attempt to use his/her position to secure unwarranted privileges or advantages for himself/herself or others.

An employee of the board shall not act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest such as selection or purchase of any textbook or other materials on which he/she receives a royalty.

An employee of the board shall not accept any benefit, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such benefit, service or other thing of value was given or offered for the purpose of influencing him/her in the discharge of his/her duties.

Bribery and corrupt practices by employees as described in the criminal justice code are forbidden and shall be prosecuted to the full extent of the law.

Political Activities of Staff

All employees are prohibited from engaging in campaign activities on school property that potentially present a conflict of interest.

All employees are prohibited from engaging in any activity in the presence of students during performance of the employees' duties, which activity is intended or designed to promote, further or assert a position on any voting issue, board issue, or collective bargaining issue.

Disciplinary Action

Violations of this policy may result in disciplinary action.

NJSBA Review/Update: April 2012

Adopted: June 2013

Key Words

Royalties, Conflict of Interest, Political Activity of Staff

Legal References: N.J.S.A. 2C:27-1 et seq.

See particularly:

N.J.S.A. 2C:27-5, -10,-11

N.J.S.A. 18A:6-8

N.J.S.A. 18A:6-8.4

N.J.S.A. 18A:11-1

Bribery and Corrupt Influence

Interest of school officers, etc., in sale of textbooks or supplies; royalties

Right to hold elective or appointive state, county or municipal office

General mandatory powers and duties

CONFLICT OF INTEREST (continued)

<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:12-24	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 19:34-15	Electioneering within or about polling place; misdemeanor
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

Green Township Education Association v. Rowe, et al., 328 N.J. Super 525 (App. Div. 2000)

Possible

<u>Cross References:</u>	*1140	Distribution of materials by students and staff
	1313	Gifts to district employees
	*4112.8	Nepotism
	4117.50	Standards for staff discipline
	4118.2	Freedom of speech
	*4119.22	Conduct and dress
	*4119.23	Employee substance abuse
	*4138	Nonschool employment
	*4212.8	Nepotism
	*9270	Conflict of interest

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

Policy

CONDUCT AND DRESS

The Township of Union Board of Education expects all staff members to be neatly groomed and dressed in clothing suitable for the subject of instruction, the work being performed, or the occasion.

The personal life of an employee is not an appropriate concern of the board except as it may directly prevent the employee from performing his/her properly assigned functions during the work day or affect his/her professional relationship with students.

Professional Staff Dress and Grooming

The board of education is charged with the responsibility of educating students; it also must set an example for those students. Certainly, proper dress in the workplace should be an integral part of a student's education.

All employees are required to dress in a professional manner. The following attire is acceptable in the workplace:

A. Female personnel

1. Dresses
2. Skirts with blouses and/or sweaters
3. Suits (skirts/pants)
4. Slacks with blouses and/or sweaters

B. Male personnel

1. Suits with shirt--with or without tie
2. Casual suits with or without tie
3. Slacks with or without jacket or sweater
4. Slacks with turtleneck shirt/sweater and/or jacket

C. The following attire is unacceptable in the workplace

1. Sneakers/tennis shoes*/slippers/**flip flops**
2. Jeans
3. Sweat/jogging suits
4. Mini skirts/dresses (thigh high)
5. Tights and/or spandex
6. Short shorts
7. Bare halters
8. Midriff tops
9. Muscle shirts (undershirts)
10. Other similar attire

Those employees required to wear uniforms **MUST** wear them during their work day.

*PHYSICAL EDUCATION TEACHERS ARE EXEMPT FROM LETTER C NUMBERS 1 AND 3

CONDUCT AND DRESS (continued)

D. The attire for all employees is expected to be clean and neat.

E. When appropriate, the Superintendent may relax the dress code (i.e., inclement weather, excessive temperatures, etc.).

When appropriate, the building principal may relax the dress code for individual members of the faculty (i.e., field trips, unique school activities, etc.).

Prohibited Activities

No member of the staff of the Township of Union School District shall be agent for or be in any way peculiarly or beneficially interested in the sale of textbooks, school equipment or supplies of any kind, or receive compensation or reward of any kind for any such sale for use by the board. It shall not be construed a violation of this policy for any person to receive royalties on the sale of any textbook of which the person is the author.

No member of the staff shall engage in outside employment which conflicts with proper performance of his/her duties, or which would tend to harm the teaching/learning relationship. Nor shall any staff member be engaged in tutoring his/her own students, privately for compensation of any kind.

No member of the staff shall use school telephones for personal calls. All employees are expected to reimburse the school district for the cost of personal calls. Failure to reimburse may result in disciplinary action. Excessive or repetitive use of school telephones will also be grounds for disciplinary

Unbecoming Conduct

~~When an employee, either within the schools or outside normal duties, creates conditions under which the proper operation of the schools is affected, the board upon recommendation of the superintendent and in accordance with statute shall determine whether such acts or lack of actions constitute conduct unbecoming a school employee, and if so, will proceed against the employee in accordance with law.~~

When an employee of the Union Public School District engages in behavior, either within the schools or outside normal duties, that reflects negatively on the operation of the school district and/or its mission, the superintendent will report such behavior to the Board of Education. Such unacceptable behavior may be defined by a single incident or a pattern of incidents, depending on nature and severity. The Board shall determine if the reported behavior constitutes "conduct unbecoming a school employee" upon recommendation of the superintendent and respond appropriately in accordance with the law.

Unbecoming conduct sufficient to warrant board review may result from a single flagrant incident or from a series of incidents.

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

Key Words

Employee Conduct, Employee Dress

Legal References: N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:11-1 General mandatory powers and duties

CONDUCT AND DRESS (continued)

N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.,

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Hicks v. Pemberton Bd. of Ed., 1975 S.L.D. 332

Quiroli v. Linwood Bd. of Ed., 1974 S.L.D. 1035

Carlstadt Teachers Ass'n v. Carlstadt Bd. of Ed., App. Div., unreported decision (docket no. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

Possible

Cross References: 4117.50 Standards for staff discipline
4119.2 Responsibilities
*4119.21 Conflict of interest
*4119.23 Employee substance abuse
4119.24 Staff/student relations
*4138 Nonschool employment
*4138.2 Private tutoring
*6144 Controversial issues

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

Policy

SUBSTITUTE TEACHERS

The Township of Union Board of Education recognizes its responsibility to provide continuity of educational program services to its students and therefore directs the superintendent to provide for:

- A. Maintenance of a list of available certified substitute teachers, pursuant to regulations;
- B. A building level orientation program for substitute teachers to prepare them to meet pupil needs and fulfill teaching responsibilities assigned within the school district; and a detailed listing of substitute responsibilities at the building level;
- C. To require teaching staff members to maintain substitute lesson plans for each class to ensure the availability of appropriate instructional program guidelines for substitute teachers;
- D. Suitable arrangements for teachers to report absence in a timely fashion for substitute coverage.

The board shall approve potential substitute personnel and the positions in which they may substitute. Rates of pay for substitutes shall be approved annually by the board.

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

Key Words

Substitute Teachers

Legal References: N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...
N.J.S.A. 18A:16-1.1 May appoint temporary officers and employees
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:29-16 Emergency certificates; day-by-day basis substitute
N.J.A.C. 6A:9-6.5 County substitute credential
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

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

Sayreville Education Ass'n v. Sayreville Bd. of Ed., App. Div., unreported decision (docket no. A-4899-82T2, decided April 12, 1984)

Lammers v. Bd. of Ed. of Borough of Point Pleasant, Ocean County, S/B (June 5, 1991)

SUBSTITUTE TEACHERS (continued)

Possible

- Cross References:** *4111 Recruitment, selection and hiring
*4112.2 Certification
*4112.4 Employee health

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

Policy

STUDENT TEACHERS/INTERNS

Union Township Schools welcome student teachers and will endeavor to place them satisfactorily in their area of preparation.

Assignments are made from the Superintendent's office through his/her designee. Each student teacher must complete a satisfactory interview with the appropriate administrator prior to placement. Student teachers/interns shall comply with the requirements of law regarding health examinations and criminal history checks.

The final responsibility for instruction and classroom management is the responsibility of the regularly assigned cooperating teacher.

Cooperating teachers shall provide continuous supervision and hold weekly conferences with student teachers. When the cooperating teacher is not in the classroom with the student teacher during brief periods of instructional time, he/she will be required to pursue other educational activities which are in the best interest of the school system.

No student teacher may be assigned to a non-tenured teacher.

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

Key Words

Student Teachers, Administrative Interns

Legal References: N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement ...
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:9-10.2 Curriculum for teacher preparation programs
N.J.A.C. 6A:9-10.3 Supervision of practicum students
N.J.A.C. 6A:32-4.1(d)(e) Employment of teaching staff
See particularly:
N.J.A.C. 6A:32-4.1(d), -4.1(e)
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

STUDENT TEACHERS/INTERNS (continued)

Possible

<u>Cross References:</u>	*4111	Recruitment, selection and hiring
	*4112.4	Employee health
	*4121	Substitute teachers
	*4123	Classroom aides
	*6162.4	Community resources

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

CLASSROOM AIDES, ASSISTANTS AND PARAPROFESSIONALS

The Township of Union Board of Education, within its financial means, may hire aides, **assistants and** paraprofessionals as recommended by the superintendent.

It is the responsibility of the classroom teacher to plan for any teacher aide's **assistant's and** paraprofessional's constructive involvement with the class. The primary benefit must be to the students.

~~Classroom aides~~ **Aides, assistants and** paraprofessionals shall be under the supervision of the classroom teacher- **a certified employee.**

All aide, **assistant and** paraprofessional job descriptions must be approved by the Executive County Superintendent **and** ~~All aides (paraprofessionals)~~ shall be required to comply with the provisions of the law regarding health examinations and criminal history checks.

In accordance with federal law, the superintendent shall establish procedures to release information, upon request, regarding the qualifications of classroom aides, **assistants and** paraprofessionals to parents/guardians for any classroom aide (paraprofessional) who is employed by a school receiving Title I funds and who provides instructional assistance to their children.

Qualification of Classroom Aides (Paraprofessionals) In Title I Schools

All ~~classroom-aides~~ **aides, assistants and** paraprofessionals paid in whole or in part with Title 1 funds shall be qualified in accord with federal law. All such paraprofessional (classroom aides) must have a high school diploma or its equivalent. All such classroom aides (paraprofessionals), except those working as translators or solely in conducting parent involvement activities, also must meet one of the following criteria:

- A. Completed at least two years of study at an institution of higher education;
- B. Obtained an associate's (or higher) degree; or
- C. Passed a formal state or local assessment demonstrating ability to assist in instructing reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness, as appropriate.

NJSBA Review/Update: April 2012
Adopted: June 2013

Key Words

Aides; Classroom Aides; Teacher Aides; Background Check; Paraprofessionals; Personnel
Background Check

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement ...
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School Employee Physical Examinations
	<u>N.J.A.C.</u> 6A:32-4.7	Approval of paraprofessional staff

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

CLASSROOM AIDE (PARAPROFESSIONALS (continued))

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

Possible

<u>Cross References:</u>	*3541.1	Transportation routes and services
	*3542	Food service
	*4212.4	Employee health
	*4215	Supervision
	*4216	Evaluation
	4221	Noninstructional substitutes
	*5131	Conduct/discipline
	*6162.4	Community resources

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4131/4131.1

<u> X </u>	Monitored
<u> X </u>	Mandated
<u> X </u>	Other Reasons

Policy

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Township of Union Board of Education recognizes its legal obligation to provide inservice activities to further the ability of the teaching staff to progress toward achievement of district goals and objectives. It is of particular concern to the board that continuing education for teaching staff provides demonstrable contributions toward student achievement of the Core Curriculum Content Standards.

The superintendent shall develop a comprehensive management system for staff professional improvement and shall assist staff members in the area of professional improvement by providing relevant information regarding workshops, professional meetings and course offerings.

To be in compliance with state requirements, each teacher employed in this district as of the effective date specified in code shall complete 100 clock hours of state-approved continuing professional development and/or inservice every five years. Appropriate steps toward achieving this goal shall be included in the content of each teaching staff member's annual professional development plan (PDP). It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.

The 100-hour requirement may be satisfied through a combination of state-approved experiences including: formal courses and conferences sponsored by colleges, district boards of education, professional associations, training organizations or other entities recommended by the Professional Teaching Standards Board and approved by the Commissioner of Education. Part or the entire 100-hour requirement may be satisfied through an inservice program that has been approved by the County Professional Development Board under standards established by the Commissioner based on the recommendation of the Professional Teaching Standards Board. Completion of each actual hour of approved training shall satisfy the requirement for one hour of continuing education.

In accordance with administrative code, the board shall establish a Professional Development Committee in order to assess inservice needs and professional development opportunities and to plan and implement professional development programs to assure that the students of this district achieve the Core Curriculum Content Standards. This committee shall be comprised of four teachers, elected by the instructional staff through its majority representative and two administrative staff appointed by the superintendent. The committee shall include the superintendent as an ex officio member and shall solicit input from parents, community members and local business leaders. Plans developed by the committee shall be submitted for approval to the County Professional Development Board and then to the board of education.

The board of education reserves the right to deny any plan that fails to advance district goals and objectives; is not conducive to student achievement of the Core Curriculum Content Standards; or contravenes current negotiated agreements, other board policies, student safety and well-being, continuity of the instructional program, or budgetary constraints.

Staff participation that may require released time and/or financial reimbursement from the board will be determined by the board of education after recommendation by the superintendent.

Staff members who participate in out-of-district programs at board expense shall submit a written report highlighting the main thrust and ideas observed by the participant.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, suicide prevention, drug/alcohol abuse awareness, harassment, intimidation and bullying, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required 100 clock hours of continuing education every five years.

NJSBA Review/Update: April 2012
Readopted: June 2013

Key Words

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:6-111 et seq. See particularly: <u>N.J.S.A.</u> 18A:6-112 <u>N.J.S.A.</u> 18A:6-113 <u>N.J.S.A.</u> 18A:7A-11 <u>N.J.S.A.</u> 18A:17-46 <u>N.J.S.A.</u> 18A:27-4 <u>N.J.S.A.</u> 18A:30-7 <u>N.J.S.A.</u> 18A:31-2 <u>N.J.S.A.</u> 18A:40A-3 <u>See particularly:</u> <u>N.J.S.A.</u> 18A:40A-3a, -18c <u>N.J.S.A.</u> 34:5A-10 <u>N.J.S.A.</u> 34:5A-13 <u>N.J.A.C.</u> 6A:7-1.6 <u>N.J.A.C.</u> 6A:14-1.2(b)13 <u>N.J.A.C.</u> 6A:15-1.8 <u>N.J.A.C.</u> 6A:9-15.1 et seq. <u>N.J.A.C.</u> 6A:16-1.1 et seq. <u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), 6.2(b)12 <u>N.J.A.C.</u> 6A:16-11.1 et seq. <u>N.J.A.C.</u> 6A:30-1.1 et seq. <u>N.J.A.C.</u> 6A:32-4.1 <u>N.J.A.C.</u> 6A:32-4.4 <u>N.J.A.C.</u> 6A:32-4.5	Instruction in Suicide Prevention Instruction in suicide prevention for public school teaching staff Instruction in suicide prevention in public school curriculum Reports be school districts, commissioner; interim review Act of violence; report by school employee; notice of action taken; annual report Power of boards of education to make rules governing employment of teacher, etc. Power of boards of education to pay salaries Attendance at conventions of New Jersey Education Association Initial inservice training programs; curriculum; availability Retention of workplace surveys Employee education and training program; certification of instructors Professional development District eligibility for assistance under <u>IDEA</u> Part B Inservice training Required Professional Development for Teachers Programs to Support Student Development Reporting Allegations of Child Abuse and Neglect Evaluation of the Performance of School Districts Employment of teaching staff Evaluation of tenured teaching staff members Evaluation of nontenured teaching staff members
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No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*4115	Supervision
	*4116	Evaluation
	4133	Travel/reimbursement
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.4	Child abuse and neglect
	*6142.2	English as a second language; bilingual/bicultural
	*6171.3	At-risk and Title 1
	*6171.4	Special education

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

Policy

NONSCHOOL EMPLOYMENT

School employees shall not use school time or school facilities in connection with any personal activity for financial profit. Any violations of this provision may bring disciplinary action.

Solicitation of fellow employees during working hours, either for contributions or membership drives, must be approved by the superintendent before any solicitation is made.

No employee shall purchase any goods or services from students except within the framework of school-sponsored activities.

As a general rule the board does not approve fund raising or the promotion of fund raising activities through the staff or students in the schools.

No outside work by a staff member shall prevent him/her from properly performing assigned functions during duty hours or be prejudicial to his/her work effectiveness.

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

Key Words

Nonschool Employment; Employee Outside Activities

Legal References:	<u>N.J.S.A.</u> 18A:6-8.1	Leave of certain employees to serve in legislature
	<u>N.J.S.A.</u> 18A:6-8.2	Leave of certain employees to serve on board of chosen freeholders
	<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-24	School officials; prohibited conduct
	<u>N.J.S.A.</u> 18A:17-18	Full time required of superintendents; when
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u>	New Jersey Conflicts of Interest Law
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

Possible

Cross References:	*3514	Equipment
	*4119.21	Conflict of interest
	*4138.2	Private tutoring

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

PRIVATE TUTORING

The Township of Union Board of Education recognizes that occasionally, for a variety of reasons, a parent/guardian may wish his/her child to receive intensive private tutoring beyond the scope of the regular individualized instruction program.

Teachers employed by the Township of Union Schools shall not act as paid tutor to any child assigned to them as a regular student.

Teachers shall not tutor any student for pay during regular working hours.

Adopted: June 1999

NJSBA Review/Update: April 2012

Readopted: June 2013

Key Words

Tutoring, Conflict of Interest

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teachers,
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *4119.21 Conflict of interest
*4138 Nonschool employment
*4219.21 Conflict of interest
*4238 Nonschool employment
6164.6 Tutoring
*6173 Home instruction

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

Policy

STAFF INVOLVEMENT IN DECISION-MAKING

Formal provisions have been made for monthly meetings of two a major representative groups:

- A. The Administrative Advisory Committee which is chaired by the superintendent.
- B. ~~The Central Planning Committee (curriculum) which is chaired by the assistant superintendent.~~

The purposes of ~~these~~ **this** committees ~~are~~ **is** as follows:

- A. Administrative Advisory Committee shall review and attempt to resolve any problems of a non-curriculum nature which may arise. **The agenda for such meetings is established by the superintendent and a designed member of the UTEA.**
- B. ~~Central Planning Committee shall provide overall coordination of curriculum, shall review recommendations from curriculum committee, shall serve as an appeal body on curriculum matters, shall review and suggest grade level curriculum changes through ad hoc committees if necessary, and shall be involved in the T & E process.~~

The president of the board and each committee chairperson shall be ex-officio members of each of these committees and shall be provided copies of minutes of each meeting.

These committees are comprised of:

- A. Staff member(s) from each elementary and secondary school **the school(s) being discussed.**
- B. Staff member from special services **from the school(s) being discussed.**
- C. **Two members** of Union Township Education Association
- D. **The principal(s) of the school(s) being discussed.** ~~One secondary principal~~
- E. **One assistant superintendent or director.** ~~One elementary principal~~
- F. One supervisor ~~One director~~
- G. **When appropriate, other individuals (example: Parents, community members, students) may be invited to attend such meetings.** ~~One supervisor~~

Principals and directors meet monthly with the superintendent and his/her assistant. The board secretary/business administrator and/or his/her assistant meet with the principals and directors at the superintendent's or board secretary/business administrator's request.

Vice-principals meet with the superintendent and his/her assistant a minimum of two times a year.

Supervisors meet with the superintendent and his/her assistant three times a year.

Building principals are required to hold monthly meetings with their staffs. In addition, the secondary schools have faculty advisory committee meetings regularly during the school year.

STAFF INVOLVEMENT IN DECISION-MAKING (continued)

Staff Communications with Administrators

The board encourages the superintendent and the board secretary/ business administrator to provide a vehicle for the staff to present concerns and opinions.

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

Key Words

Representatives, Deliberative Groups; Staff Involvement

Possible

Cross References: *1220 Ad hoc committees
*2240 Research, evaluation and planning
*6142.1 Family life education
*6142.12 Career education
*6144 Controversial issues
*6162.4 Community resources
*6171.3 At-risk and Title 1
*9020 Public statements
*9130 Committees

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

Policy

ESTABLISHING INITIAL PLACEMENT ON SALARY GUIDES

The superintendent shall recommend to the board initial salary placement for new professional and support personnel.

Credit for prior teaching experience shall be considered if it is within the immediate past ten (10) years.

Up to seven (7) of the ten (10) years may be considered for initial placement on the teacher's salary guides.

The superintendent may in individual cases recommend to the board consideration of more than seven (7) years of prior teaching credit if it is deemed to be in the best interest of the district. In such cases, the superintendent must give supporting reasons in writing for review by the board.

Support personnel shall be placed on the first step of the appropriate guide unless they are moving between positions with comparable duties within the district. In those special cases salary guide credit may be offered.

Support Staff Salary Schedules

The board shall establish salary schedules for classifications of the support staff, providing for minimum and maximum salaries, annual increments, and salary incentives.

In determining initial placement on a salary schedule, consideration may be given to prior experience, training or other factors considered relevant.

Salary increments for service shall be operative and effective only for those members of the support staff appointed on or before December 31 of the preceding school year.

Employees temporarily transferred to a position on a higher salary level shall be compensated accordingly for the period of time they assume responsibilities of the higher position if they work more than five consecutive days in such higher rated position. However, employees shall not be reduced in pay if they are temporarily transferred to a position on a lower salary level.

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

Key Words

Advanced Education, College Courses, Credits

Possible

Cross References: 2130 Administrative staff
*2131 Superintendent
4000 Concepts and roles in personnel
*4111/4211 Recruitment, selection and hiring
*4115/4215 Supervision
*4116/4216 Evaluation
*4111.1/4211.1 Nondiscrimination/affirmative action
*4112.2 Certification
*4112.6/4212.6 Personnel records

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

Policy

PAYROLL AUTHORIZATION

The most substantial allocation of public funds for the operation of the school district is that made to the employees of the Township of Union Board of Education for their services. Compensation will be tendered only to persons duly employed by this board and only for services rendered.

Each board resolution to employ or reemploy a person will include the person's name, position, and tenure status; the salary or rate of pay the person is to receive, the method of payment, the wage guide from which wages are derived, and the budget category to which the wages are to be charged; the period of time for which employment is authorized; and the school, grade, class or special assignment, as appropriate.

No person may be assigned duties as a substitute employee whose employment has not been approved by the board. The list to be approved by the board will include the names of recommended substitutes, the duties to which each may be assigned, and the rate of pay. Substitute authorization will ordinarily be valid for one school year.

The minutes of board meetings will record personnel actions of the board, to include, but not be limited to, the appointment, promotion, resignation, retirement, death, discharge, compensation, or leave of absence for each employee. The minutes will also include effective dates for personnel action.

Certain categories of staff members designated by the superintendent shall be required to use a time clock or sign in and out of work daily in order to verify days and hours worked. The service of extra-duty personnel must be certified by the appropriate supervisor before payment can be made.

The superintendent is authorized to withhold salary or wages for services not rendered, in accordance with board policy.

Staff members shall be paid in accordance with the provisions in their collective bargaining agreement and/or in accordance with a schedule provided to all employees prior to the beginning of the contract or school year.

In accordance with N.J.A.C. 6A:23A-5.7, at least once every three years, between the months of September through May, the superintendent shall require each district employee to report to a central location(s) and produce picture identification and sign for release of his or her paycheck or direct deposit voucher. The accepted picture identification shall be in the form of a district-issued identification card, valid drivers' license, official passport, or other picture identification issued by a State, county, or other local government agency.

The superintendent shall designate an appropriately qualified staff member to match the picture identification to the position control roster maintained by the office of personnel or human resources prior to release of the pay check or direct deposit voucher. If the district elects to conduct this payroll verification prior to the district's required implementation of the position control roster pursuant to N.J.A.C. 6A:23A-6.8, the district may use similar and suitable office of personnel or human resources generated listing of employees. Where no appropriate identification can be produced, the school business administrator/board secretary shall withhold paychecks or stop direct deposits until such time the payee/district employee can produce appropriate identification or until an investigation and corrective action is concluded, as appropriate to the circumstances.

Upon completion of the payroll check distribution verification procedures set forth in this policy and N.J.A.C. 6A:23A-5.7, the superintendent shall submit a certification of compliance, in a form prescribed by the Department of Education, to the Executive County Superintendent. Verification of the district's compliance with the provisions of N.J.A.C. 6A:23A-5.7 will be required as part of the annual audit.

PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS (continued)

The payroll journal will be certified by the board secretary, the president of the board, and approved by the superintendent.

Extra-Curricular Pay

For those extra-curricular activities not covered by the various negotiated agreements the board will compensate the participants at such rates as may be fixed by the board.

Adopted: June 1999; June 26, 2009
 NJSBA Review/Update: April 2012
 Readopted: June 2013

Key Words

Payroll Authorization, Salary Checks, Deductions; Extra-Curricular Pay

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 18A:16-8 Salary deduction for government bonds <u>N.J.S.A.</u> 18A:16-9 Responsibility of board <u>N.J.S.A.</u> 18A:66-30 Employee's consent to deductions <u>N.J.S.A.</u> 18A:66-32 Employer's duties <u>N.J.S.A.</u> 18A:66-78 Teacher's pension and annuity fund <u>N.J.S.A.</u> 18A:66-127 Tax sheltered annuities <u>N.J.S.A.</u> 40:11-26 Federal credit union <u>N.J.S.A.</u> 52:14-15.9 et seq. <u>Public Employee Charitable Fund-raising Act</u> <u>N.J.A.C.</u> 6A:23-1 et seq. Accountability regulations</p>
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Possible

Cross References: *3100 Budget planning, preparation and adoption
 *3326 Payment for goods and services
 *3570 District records and reports
 3571 Financial reports
 *3571.4 Audit

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4147/4247

 X Monitored
 Mandated
 X Other Reasons

Policy

EMPLOYEE SAFETY

Through its overall safety program, the Township of Union Board of Education shall seek to ensure the safety of employees during working hours.

The board shall be diligent in maintaining safe working conditions for employees. It shall provide an Exposure Control Plan for the occupational containment of bloodborne pathogens as described in file code 4112.4 Employee Health. The board shall also provide information on possible hazardous substances in the workplace, in accordance with law.

The board shall expect employees to follow all established safety rules and regulations, such as those pertaining to the use of safety equipment, the wearing of safety clothing and protective eye devices where appropriate, and the lifting or shifting of heavy weights.

Employees shall report all accidents to their supervisor immediately.

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

Key Words

Insurance Management, Accidents, Employee Safety

Legal References: N.J.S.A. 2C:7-1 et seq. Registration of sex offenders; definition; requirements
N.J.S.A. 18A:16-2 Physical examinations; requirement
N.J.S.A. 18A:40-12.1 Protective eye devices required for teachers, students and visitors in certain cases
N.J.S.A. 18A:40-12.2 Rules prescribing kinds, types and quality of devices
N.J.S.A. 34:5A-1 et seq. Worker and Community Right to Know Act
N.J.S.A. 34:6A-25 et seq. New Jersey Public Employees' Occupational Safety and Health Act
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act
N.J.A.C. 6A:26-12.5 Eye protection in schools
N.J.A.C. 6A:32-12.1(a) Reporting requirements
N.J.A.C. 12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

Possible

Cross References: *3510 Operation and maintenance of plant
*3516 Safety
*4111.1 Nondiscrimination/affirmative action
*4112.4 Employee health
*5142 Student safety

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4151/4251

Monitored
 Mandated
 Other Reasons

Policy

ATTENDANCE PATTERNS

The Township of Union Board of Education believes that the regular presence of assigned personnel is vital to the success of the district's educational program. Consistent absenteeism or tardiness is unacceptable and subject to disciplinary action.

The superintendent shall develop and the board shall adopt a plan to encourage all staff to strive for excellent attendance and punctuality records. These procedures should include a requirement that the staff member personally report all illnesses and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated contracts.

The superintendent shall report on staff attendance and punctuality at every regular monthly board meeting.

Provisions shall be made for public acknowledgment of outstanding staff attendance records.

Absences the Day Before or After a School Holiday

Employees shall not be absent from work on days immediately before school holidays or vacation periods except for medical reasons which are certified by a physician or because of a death in the immediate family.

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

Key Words

Employee Attendance, Attendance Patterns, Attendance

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
	<u>N.J.S.A.</u> 18A:30-1 <u>et seq.</u>	Sick Leave
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<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:32-2.1	Definitions

Montville Education Ass'n v. Montville Bd. of Ed., 1984 S.L.D. 550, rev'd St. Bd. 1984 S.L.D. 559, rev'd App. Div., unreported decision (docket no. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113

Burlington Educational Ass'n v. Burlington Bd. of Ed., 1985 S.L.D. 889, aff'd St. Bd. 1985 S.L.D. 912

Scotch Plains-Fanwood Board of Education v. Scotch Plains-Fanwood Education Association, 270 NJ Super 444 (App. Div. 1994); rev'd. 139 NJ 141 (1995)

ATTENDANCE PATTERNS (continued)

Possible

<u>Cross References:</u>	4150	Leaves
	*4151.1	Personal illness and injury/health and hardship
	4151.6	Religious observance
	4151.7	Emergency/personal
	*4251	Attendance patterns

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

Regulation

CENTRAL OFFICE ATTENDANCE

The board of education believes that the regular attendance of central office personnel is vital to the success of the district's educational program. Consistent absenteeism or tardiness is unacceptable, presents an inappropriate example for an educational leader and is subject to disciplinary action.

The following guidelines should assist the board in monitoring the attendance and lateness of the Central Office.

The board designates that the chairperson of the education committee monitors the attendance and lateness of the superintendent of schools and the chairperson of the operations committee monitors the attendance and lateness of the business administrator and board secretary.

All central office administrators are expected to work a minimum of eight hours per day.

All central office administrators are allowed a one hour duty free lunch.

It is expected that both the superintendent's office and business office are supervised from 8:00 a.m. to 4:00 p.m.

The following central office administrators, superintendent of schools, deputy superintendent, assistant superintendent, board secretary, business administrator, will attend all board of education meetings, as well as other school functions in which it is determined their presence is beneficial or appropriate.

Adopted: June 1999

Readopted: June 2013

Regulation

STAFF ABSENCE REQUIREMENTS AND CONSEQUENCES

- A. The administration maintains the right to require a doctor's note for any absence on any work day for which sick pay is requested in accordance with N.J.S.A. 18A:30-4.
- B. The building level administrator must be presented with a doctor's note for absences on any work day(s) prior to and/or following a holiday for which sick pay is requested.
- C. Four (4) consecutive absences require a doctor's note.
- D. Three (3) or more absences in one calendar month require an administrative conference.
- E. After nine (9) absences, the building level administrator will meet and discuss with the staff member a continuing observed pattern, frequency of absences or for other good and sufficient reason related to attendance.

When the staff member has been subjected to Steps "A" through "E" of this procedure and the problem has not been corrected, the staff member will be referred to the appropriate Central Office Administrator for a conference to discuss the future consequences of an unsatisfactory attendance record. The consequences could include referral to the board, a recommendation for a withholding of increment or any other remedy available under policy or law.

Adopted: June 1999
Readopted: June 2013

Policy

PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP

In individual cases the Township of Union Board of Education will consider requests from employees for extended sick leave on a case by case basis. Employees requesting such leave due to personal illness shall address the initial request to the superintendent who shall consider the following factors in making a recommendation to the board.

- A. Severity of the case as documented by specialists;
- B. Length of service;
- C. Length of requested leave; and
- D. Any other factors which the board may wish to consider.

The Superintendent shall report the request, supply all data submitted in support of the request to the and make a recommendation to the board based upon the data and information.

The board may periodically review such leaves to determine whether such leave shall be continued or discontinued.

Sick Leave - Hourly Employees

All hourly employees who are steadily employed shall be granted sick leave at a maximum rate of 10 days per year at the employee's average daily wage rate for employees working five days per week. Employees working less than five days per week shall be granted the appropriate share of sick leave which their respective work schedules bear to the 10 days per year, provided a medical certificate is submitted to the superintendent or board secretary/business administrator.

Any time an employee is using current or accumulated sick days the board may act to require the employee to verify that the use of such days is appropriate.

This policy does not apply to employees in bargaining units

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

Key Words

Leaves, Sick Leave, Attendance, Attendance Patterns, Employee Attendance

Legal References:	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:6-66	Rights and benefits of personnel (educational services commission)
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement ...
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A.</u> 18A:30-1	Definition of sick leave
	<u>N.J.S.A.</u> 18A:30-2	Sick leave allowable

PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP(continued)

N.J.S.A. 18A:30-6 Prolonged absence beyond sick leave period
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

Ramsey Teachers Ass'n v. Ramsey Bd. of Ed., 1979 S.L.D. 862, St. Bd. rev'g 1978
S.L.D. 518, aff'd App. Div., 1980 S.L.D. 1528

Cole v. Essex County Vocational School District Bd. of Ed., 1986 S.L.D. 1855

Possible

Cross References: 4150 Leaves
*4151 Attendance patterns

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

Policy

MILITARY LEAVE

The President of the United States has authorized the Secretary of Defense to call up selected members of the Reserves and National Guard to active duty in response to various conflicts abroad as well as homeland security. The Township of Union Board of Education recognizes the personal sacrifice of individuals who are called to active duty and hereby expresses this recognition by providing paid leave and other benefits pursuant to the USERRA, as follows:

- A. Military forces of New Jersey. In addition to pay received for military duty, employees shall receive full pay for Federal active duty or active duty for training, pursuant to written military orders, for a period not to exceed ninety (90) days in the aggregate in any calendar year.
- B. United States Reserves. Same as above except for a period not to exceed thirty (30) days in the aggregate in any calendar year.

In addition to the foregoing, the board hereby establishes a policy to provide for payment beyond the thirty (30) and ninety (90) day limitations set forth above. Therefore, employees called to active duty shall be entitled, for the duration of their active duty deployment, the following additional benefits:

- A. Board of education employees shall be entitled, upon termination of active duty, to return to employment with full seniority and benefits consistent with both State and Federal military reemployment and seniority rights as well as contracted seniority rights.
- B. During active duty and for the duration of their activation, these employees shall be entitled to receive a salary, paid by the board of education equal to the differential between the employee's State salary and the employee's military base pay, following the exhaustion of statutory entitlements to full pay.
- C. These employees shall also be entitled to life insurance, health benefits, and pension coverage during active duty service for which they receive differential salary.
- D. If a board of education employee's salary is less than the military base pay such that no differential pay would be paid, said employee shall, nevertheless, be entitled to life insurance and pension coverage during active duty service with the contributory portion of those benefits and programs being paid by the employee upon his or her return to the board of education after completion of active duty service.

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

Key Words

Military, Military Leave, Leave of Absence

Legal References: N.J.S.A. 18A:6-33 Tenure, pension and other employment rights in military and naval service saved
N.J.S.A. 38:23-1 et seq. Leave of absence for public officers, employees
N.J.S.A. 38A:4-4 Leave of absence without loss of pay, exceptions

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.

Policy

SABBATICAL

The Township of Union Board of Education is authorized under N.J.S.A. 18A:30-7 to grant sick leave and to pay salary to a teacher when all of his/her annual and accumulated sick days have been exhausted.

This leave may be granted on a case-by-case basis in accordance with N.J.S.A. 18A:30-6 or through a request for a sabbatical leave for "health" purposes as detailed in Article 10 (Sabbatical Leave for Teachers) in the current agreement with the Union Township Education Association.

It is the intention of the board that no extension of sick leave under N.J.S.A. 18A:30-6 or under the rules for a sabbatical leave for health shall be given consideration by the board until all current and accumulated sick days have been exhausted.

It is understood that the board reserves the right to consider each case on an individual basis based upon medical documentation acceptable to the board.

Nothing contained within this policy shall be interpreted as to require the board to grant such a request for paid sabbatical leave due to personal illness.

The superintendent is authorized to prepare regulations and forms as are necessary to comply with this policy.

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

Key Words

Sabbatical, Leaves

Possible

Cross References: *4112.2 Certification
*4131.1/4231.1 Staff development
4135.2/4235.2 Employment contract

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

Policy

RECRUITMENT, SELECTION AND HIRING

The Township of Union Board of Education shall appoint all staff members only from nominations made by the superintendent. All appointments shall be by recorded roll call majority vote of the full membership of the board. The superintendent 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, nationality, 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;
- 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 personnel office 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 superintendent 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 superintendent 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);

RECRUITMENT, SELECTION AND HIRING (continued)

- 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: April 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
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. 52:14-7 Residency Requirements
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.8
N.J.A.C. 6A:9-6.1 et seq. Types of Certificates

RECRUITMENT, SELECTION AND HIRING (continued)

<u>N.J.A.C. 6A:9-8.1 et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C. 6A:9-11.1 et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C. 6A:9-12.1 et seq.</u>	Requirements for Administrative Certification
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-4.1</u>	Employment of teaching staff
<u>N.J.A.C. 6A:32-4.8</u>	Support residencies for regularly certified, inexperienced first-year principals
<u>N.J.A.C. 6A:32-5.1</u>	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	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.

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4215

Monitored
 Mandated
 Other Reasons

Policy

SUPERVISION

The superintendent shall ensure development of procedures for observation and supervision of all employees so that optimum support is provided for the educational program.

Such observation and supervision shall not be limited to that which is required for effective performance evaluation.

This policy shall be distributed to each support staff member at the beginning of his/her employment.

NJSBA Review/Update: April 2012

Adopted: June 2013

Key Words

Support Staff Supervision, Supervision

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *4216 Evaluation
*4231/4231.1 Staff development; inservice education/visitations/conferences

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4216

Monitored

Mandated

Other Reasons

Policy

EVALUATION

The superintendent shall maintain factual personnel records on all support employees and shall direct evaluation procedures.

Before increments for support staff members are approved for succeeding years, administrative and supervisory personnel in the schools shall submit to the superintendent a report on the work and attitude of each employee under their jurisdiction.

The employee's supervisor has the responsibility for seeing that each employee knows the basis upon which he/she is to be evaluated in advance of the evaluation.

NJSBA Review/Update: April 2012

Adopted: June 2013

Key Words

Evaluation, Personnel Evaluation

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-2 Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
N.J.S.A. 18A:17-3 Tenure of janitorial employees
N.J.S.A. 18A:38-33 Tenure of attendance officers in city districts

Possible

Cross References: *3510 Operation and maintenance of plant
*3541.33 Transportation safety
*4212.6 Personnel records
4217.51 Withholding increment
4217.52 Dismissal/suspension

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

Policy

EMPLOYEE SUBSTANCE ABUSE/GAMBLING

General - All Employees

The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance on or in school worksites is prohibited. Any violation may subject an employee to participation in a drug rehabilitation program and disciplinary action including but not limited to nonrenewal, suspension, or termination at the discretion of the board of education.

For the purposes of this policy "worksite" shall include any school building, or any school premises and any school-owned vehicles or any other school-approved vehicle used to transport students to and from school or school activities. Worksite also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The Township of Union Board of Education, as a result of criminal convictions of any criminal drug statute violation by an employee occurring outside of the worksite, may discipline said employee. Disciplinary action may include, but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

Illegal gambling is not permitted in or on the school worksite.

Smoking by employees in school buildings or on school grounds is prohibited.

The superintendent shall establish a drug-free awareness program which includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this policy to all employees annually. New employees shall be provided with a copy of this policy prior to beginning work assignments.

Work Performance in Connection with a Federal Grant

In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of federal grant moneys shall in addition to complying with requirements of the programs shall also be in strict compliance with this policy.

The superintendent shall notify all employees whose work performance is done in connection with a federal grant that they are to notify their respective supervisors of convictions of any criminal drug statute violation occurring in the workplace. Employees must notify their supervisors no later than five days after such conviction. To be in compliance, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

EMPLOYEE SUBSTANCE ABUSE (continued)

Drug and Alcohol Testing

The Township of Union School District is committed to the establishment of a drug and alcohol misuse prevention program among school bus drivers that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

In addition to all prohibitions in the first sections of this policy, all employees with commercial drivers' licenses shall be prohibited from:

- A. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions;
- B. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

"Controlled substance" in this policy refers to those covered by the Omnibus Act, including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered applicants and employees shall be subjected to pre-employment or pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment testing shall be administered to an applicant offered a position in the district prior to the first time the employee performs any safety-sensitive function for the district. An applicant who tests positive will not be hired for any safety-sensitive position.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the employee is at work.

An employee covered by the federal regulations may not refuse to take a required test. Consequences for an employee's refusal shall be the same as for a positive result of the test.

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Before an employee is reinstated, if at all, the employee shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The board retains the authority consistent with federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of the job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement,

EMPLOYEE SUBSTANCE ABUSE (continued)

termination or dismissal shall be made in accordance with applicable state law, board policies and negotiated agreements.

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the employee's consent, the district may obtain any of the information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

Records shall be made available to a subsequent employer upon receipt of a written request from an employee, and only on the expressly authorized terms of the employee.

The superintendent shall ensure that supervisors receive proper training to administer the drug and alcohol testing program and those employees receive the notifications required by federal regulations.

Transportation contracts approved by the board shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

NJSBA Review/Update: April 2012
Adopted: June 2013

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Drinking, Use of Drugs on School Premises; Drug Testing; Alcohol Testing

Legal References: N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
N.J.S.A. 2C:35-1 et seq. Comprehensive Drug Reform Act 1987
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 Physical examinations; requirement
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
N.J.A.C. 6A:16-6.3 Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation

Owner-Operator Indep. Drivers Assoc., Inc. v. Pena, 996 F. 2d 338 (D.C. Cir. 1993)

New Jersey Constitution, Article. IV, Section VII, Paragraph 2

Anti-Drug Abuse Act of 1988

EMPLOYEE SUBSTANCE ABUSE (continued)

Drug-Free Workplace Act of 1988

34 CFR Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

42 U.S.C.A. § 31306 et seq. - Alcohol and Controlled Substances Testing

49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 382 - Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391 - Qualification of drivers

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

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

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*1410	Local units
	*3220/3230	State funds; federal funds
	*3515	Smoking prohibition
	*3541.33	Transportation safety
	*4119.23	Employee substance abuse
	*4212.4	Employee health
	*4212.6	Personnel records
	4217.50	Standards for staff discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)

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

Policy

NONINSTRUCTIONAL AIDES

The Township of Union Board of Education, within its financial means, may hire aides as recommended by the superintendent.

It is the responsibility of the classroom teacher to plan for any teacher aide's constructive involvement with the class. The primary benefit must be to the students.

Lunchroom and playground aides shall be under the supervision of appropriate certified personnel.

All aide job descriptions must be approved by the Executive County Superintendent. All noninstructional aides shall be required to comply with the provisions of the law regarding health examinations and criminal history checks.

NJSBA Review/Update: April 2012
Adopted: June 2013

Key Words

Aides, Noninstructional Aides, Background Check, Personnel Background Check

Legal References: N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:32-4.7 Approval of paraprofessional staff
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations
8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

Possible

Cross References: *3541.1 Transportation routes and services
*3542 Food service
*4212.4 Employee health
*4215 Supervision
*4216 Evaluation
4221 Noninstructional substitutes
*6162.4 Community resources

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 4231/4231.1

 X **Monitored**
 X **Mandated**
 X **Other Reasons**

Policy

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Township of Union Board of Education recognizes that the skills required of support staff members change with changing technology. In order to ensure both optimum efficiency in district operations, and the continued growth in expertise of the staff, the superintendent shall ensure that appropriate programs of inservice training shall be developed for support staff as necessary.

The superintendent may recommend to the board the granting of leave for attendance of personnel at state, regional, and national job-related meetings without pay deduction and with expenses paid by the school system according to established allowances.

Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, harassment, intimidation and bullying, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law.

NJSBA Review/Update: April 2012
Adopted: June 2013

Key Words

Staff Development; Inservice; Visitations; Conferences

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
	<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
	<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:40A-3a, -18c	
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 34:5A-10	Retention or workplace surveys
	<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors
	<u>N.J.A.C.</u> 6A:7-1.6	Professional development
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	
	<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
	<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:32-14.1	Review of mandated programs and services

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4215	Supervision
	*4216	Evaluation
	4233	Travel/reimbursement
	*5141	Health
	*5141.4	Child abuse and neglect

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

Policy

OVERTIME

It is the policy of the Township of Union Board of Education to keep overtime at a minimum. Overtime must be approved by the board secretary/business administrator or superintendent, as is appropriate.

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

Key Words

Extra Pay, Extra Work, Overtime

Cross Reference: 4142/4242 Salary Checks and Deductions