

Policy

RECRUITMENT, SELECTION AND HIRING

The board guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

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

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

The 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, pregnancy, 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 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 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

RECRUITMENT, SELECTION AND HIRING (continued)

C. The employee's designated legal address and legal residence for voting.

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

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence caused by accepting a new appointment within the district shall not be considered a break in public service.
- D. 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: March 2007
 NJSBA Review/Update: April 2014
 Readopted: December 2014
 Revised/Readopted: November 2016

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:

RECRUITMENT, SELECTION AND HIRING (continued)

<u>N.J.S.A.</u> 18A:27-4.1	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	<u>Domestic Partnership Act</u>
<u>N.J.S.A.</u> 52:14-7	Residency Requirements
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
See particularly:	
	<u>N.J.A.C.</u> 6A:7-1.4,-1.8
<u>N.J.A.C.</u> 6A:9-6.1 <u>et seq.</u>	Types of Certificates
<u>N.J.A.C.</u> 6A:9-8.1 <u>et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C.</u> 6A:9-11.1 <u>et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C.</u> 6A:9-12.1 <u>et seq.</u>	Requirements for Administrative Certification
<u>N.J.A.C.</u> 6A: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>U.S.C.A.</u> 2000e <u>et seq.</u> - Title VII of the <u>Civil Rights Act of 1964</u> as amended by the <u>Equal Employment Opportunities Act of 1972</u>	
29 <u>U.S.C.A.</u> 794 <u>et seq.</u> - Section 504 of the <u>Rehabilitation Act of 1973</u>	
8 <u>U.S.C.A.</u> 1100 <u>et seq.</u> - <u>Immigration Reform and Control Act of 1986</u>	
42 <u>U.S.C.A.</u> 12101 <u>et seq.</u> - <u>Americans with Disabilities Act (ADA)</u>	
<u>Every Student Succeeds Act</u> , Pub. L. 114-95, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
<u>Old Bridge Education Association v. Old Bridge Township Bd. of Ed.</u> , 1986 <u>S.L.D.</u> 1917	
<u>Taxman v. Piscataway Bd. of Ed.</u> , 91 <u>F. 3d</u> 1547 (3d Cir. 1996)	
The Comprehensive Equity Plan, New Jersey Department of Education	

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Chief school administrator
	4000	Concepts and roles in personnel
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4/4212.4	Employee health
	4112.5/4212.5	Criminal history check
	*4112.6/4212.6	Personnel records
	*4112.8/4212.8	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.