

**Policy**

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RECRUITMENT, SELECTION AND HIRING

The Franklin Lakes Board of Education shall appoint all staff members only from nominations made by the Superintendent of Schools. All appointments shall be by recorded roll call majority vote of the full membership of the board. The Superintendent of Schools 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.
- C. It shall be the duty of the Superintendent of Schools 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 of Schools 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 of Schools to communicate this fact to all candidates.

The Superintendent of Schools may make temporary appointments in emergency situations in accordance with law. These must be ratified by the board at the next regular meeting.

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

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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.

Reporting of Arrests, Charges and Indictments

All 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. 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 report arrests, charges and indictment may result in disciplinary action up to and including termination of employment.

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

Adopted: June 5, 2001  
NJSBA Review/Update: September 2009, [June 2015](#)  
Readopted: August 3, 2010  
[Revised:](#)

Key Words

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

**Legal References:** [N.J.S.A. 10:5-1 et seq.](#) Law Against Discrimination  
[N.J.S.A. 18A:6-7.1, -7.5](#) Criminal history record; employee in regular contact with students; grounds for disqualification from employment  
[N.J.S.A. 18A:11-1](#) General mandatory powers and duties  
[N.J.S.A. 18A:16-1](#) Officers and employees in general  
[N.J.S.A. 18A:27-4](#) Power of boards of education to make rules governing

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<u>N.J.S.A.</u> 18A:27-4.1	employment of teacher, etc.; employment thereunder Appointment, transfer, removal or renewal of officers and employees; exceptions
<u>N.J.S.A.</u> 18A:39-17 through -20 <u>See particularly:</u> <u>N.J.S.A.</u> 18A:39-19.1	Names, social security numbers, and certification of bus driver's license and criminal background check ...
<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>	Domestic Partnership Act
<u>N.J.S.A.</u> 39:3-10.1	Driver of motor vehicle or trackless trolley with capacity over six passengers; special license
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:7-1.4,-1.8	Managing for Equality and Equity in Education
42 <u>U.S.C.A.</u> 12101 <u>et seq.</u> - Americans with Disabilities Act (ADA)	
42 <u>U.S.C.A.</u> 2000e <u>et seq.</u> - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972	
29 <u>U.S.C.A.</u> 794 <u>et seq.</u> - Section 504 of the Rehabilitation Act of 1973	
8 <u>U.S.C.A.</u> 1100 <u>et seq.</u> - Immigration Reform and Control Act of 1986	
<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
<u>Taxman v. Piscataway Bd. of Ed.</u> , 91 F. 3d 1547 (3d Cir. 1996)	
The Comprehensive Equity Plan, New Jersey State Department of Education	

**Possible**

<b><u>Cross References:</u></b>	*2131	Superintendent of Schools
	*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4123	Classroom aides/paraprofessionals
	*4211.1	Nondiscrimination/affirmative action
	*4212.4	Employee health
	4212.5	Criminal history check
	*4212.6	Personnel records
	*4212.8	Nepotism
	*4219.23	Employee substance abuse
	*4222	Noninstructional aides
	*6010	Goals and objectives
	9123	Appointment of board secretary
	9124	Appointment of business official

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