

Nepotism Policy Round Two

Union Members Need Not Apply

By Chris Neidenberg

Following months of contentious debate and delays, the board of education has finally proposed a highly controversial revised "nepotism" policy.

If adopted, one contentious clause would expand guidelines, involving certain board members, by discouraging their voting on proposed labor agreements if meeting certain conditions.

It would impact those serving on boards in public school districts having personal or family ties to "similar" out-of-district education unions

Thus, those meeting the criteria would now be discouraged from effectively participating in any collective bargaining matter.

The prior state policy only discouraged them from negotiation activities occurring before all final public deliberations, and votes, on proposed agreements.

The policy, enacted earlier in other school systems, could have ramifications for members of school boards belonging to similar unions in other districts - like Board Members **Gerald Lyons and Amy DeGise**. Both are employed by the Hudson County Schools of Technology.

The board introduced the policy, "Nepotism," in September. The template is based on language the New Jersey School Ethics Commission (SEC) approved arising from various "Advisory Opinions." While a series of policies introduced the prior month with the nepotism proposal were listed for final action at the Oct. 17 meeting, under "Second Reading and Adoption of Updated Policies," a final vote on the nepotism measure was placed on hold.



Lyons has been most outspoken. The sought change has prompted him to call for suing the Christie Administration, to try overturning it, and involving the **American Civil Liberties Union** in fighting for what he views as an attack on free speech. Lyons is running for re-election with DeGise on a ticket that also includes Trustee **Lorenzo Richardson**

Any change would - under an expanded conflicts definition - try dissuading such members, or members with close relatives in a relevant union outside Jersey City. from taking part in those activities.

Members such as Lyons maintain there was nothing wrong with the old regulation, given he ran as a candidate where he made his labor affiliation clear and still won. He claimed the new policy would significantly "disenfranchise" the voters who supported him.

"The only ones this is going after are members of teachers' unions and that's unfair," complained Lyons, engaged in a re-election battle against, among others, **Matt Schapiro**, who supports the policy and reiterated his position that night.

Lyons clearly aimed his barbs against departing Republican Gov. Chris Christie, who will leave after two terms on Dec. 31, and even loudly criticized teachers' unions on the campaign stump during his 2016 run for president, before he dropped out to endorse Donald Trump.



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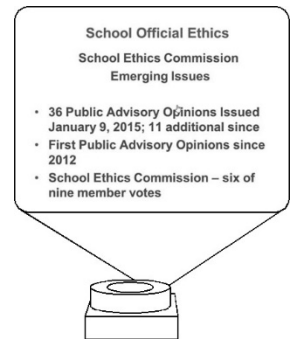
1. patronage bestowed or favoritism shown on the basis of family relationship, as in business and politics:

She was accused of nepotism when she made her nephew an officer of the firm.

"Why are they going after us?" Lyons asked. "Because we are in teachers' unions and if you don't know that governor in Trenton has been doing this (assailing such unions) during the last eight years, then you've been asleep."

While the New Jersey School Boards Association has issued guidance indicating potentially affected board members consult with their districts' attorneys, a state spokesman told JCEA.org the revision is still only an advisory opinion and does not change existing ethics laws, in responding to Lyons' concerns..

"The [Advisory Opinion](#) put out by the School Ethics Commission did not change the nepotism laws of the state," Saenz wrote in an email. "The [Advisory Opinion](#) of the School Ethics Commission indicated what was the new policies for local board members under the School Ethics Commission, "There was no requirement for local boards to change their policies."



Yet, a 2015 article from the New Jersey School board Association's website, "School Ethics Commission issues Public Advisory Opinions," said, "Any school official who has questions as to whether some particular future conduct would violate the School Ethics Act may request an advance opinion (called an advisory opinion) from the School Ethics Commission."

Anyone the SEC finds in violation of the act, should another official or citizen file a complaint, could face penalties including fines.

Further, Saenz insisted, "All public schools, including charter schools, are subject to the policies in the [Advisory Opinion](#)."

Schapiro is allied with Board Member **Luis Felipe Hernandez**, a former running mate, who, while not at the October meeting, questioned Lyons' stance upon the policy's September introduction.

Addressing the board Oct. 17, Schapiro asserted "nepotism problems" in the district are a contributing factor in delaying resolution of a new collective bargaining agreement with the JCEA.

Earlier, Fernandez told Lyons that he did not view the state's new provision as a violation of free speech, telling him only, "I understand (under the proposed policy) the fact that you cannot vote on a contract does not sit well with you."

But **Diane Mackay**, teacher at Nicolas Copernicus P.S. 25, told the board Oct. 17, "Members who support us here, why that's not nepotism, that's support."

Districts that do not have a nepotism policy run the risk of losing state aid. During the continuing contentious debate, critics of the state-endorsed proposal have insisted the district already has a credible restriction on the books - a point Board President **Joel Torres** reiterated that evening.

"The board has had a nepotism policy," he said. adding that he views the new edict the SEC wants to impose as "an overreaching policy."

Particularly at issue for critics is provision "b." It covers members who are, or have relatives, in an "Out-of-District Similar Statewide Bargaining Unit. "

The updated proposal says a conflict exists if: 1.) An out-of-district relative is a member of "a similar statewide union." 2.) A board member "is in a conflicted relationship involving an immediate family member." in a similar union a board is negotiating with.

If so, the proposal says, the board member should not "participate in negotiations," including "voting on the contract," or help handle grievances - activities the prior state policy didn't discourage.