

BCC - Nepotism

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It is the intent of this policy to ensure that employment practices comply with Maine's "prohibited appointments and employment" statute, 20-A §MRSA 2002 and to avoid favoritism and the appearance of favoritism in employment practices.

Definitions:

For the purpose of this policy:

- "Immediate family" means spouse, brother, sister, parent, son, or daughter.

Employment

It shall be the policy of the MSAD #35 Board not to employ as school unit staff any person who is a member of the immediate family of a Board member.

By Maine law (20-A MRSA § 1002(2)), a Board member's spouse is precluded from employment under any circumstances in any public school within the jurisdiction of the Board to which the member is elected.

Supervision and Evaluation

No person shall be employed in or assigned to a position that is within the direct supervision of a member of his/her immediate family, nor in a position in which he/she is supervised or evaluated, in whole or in part, by a member of his/her immediate family.

Exceptions

In extraordinary circumstances, the Board may approve an exception to the prohibitions on the employment of immediate family so long as the candidate is qualified for the position to which he/she has applied, the hiring is in the best interest of the school system and its students, and the candidate is not the spouse of a Board member.

Exceptions for spouses of Board members in stipend positions only:

For the purpose of this policy a "stipend employee" means a person who receives limited monetary payment of benefit, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for a school administrative unit.

The Board authorizes the Superintendent to employ a spouse of the member of the Board as a stipend employee on a contractual basis when that action is in the best interest of the students and the needs of the school unit. Such a contract will summarize potential conflicts of interest and describe mitigations of such conflicts.

Such contract will be for one season or one year only, with no guarantee or expectation of continuation.

It is the Board's intent that hiring practices for stipend positions discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restrictions based solely on family association. To that end, the Superintendent/designee will be responsible for developing job descriptions for stipend positions, including relevant qualifications and duties/responsibilities.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

Volunteers

Under Maine law (20-A MRSA § 1002(2-A)), a board member or a board member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular, or extracurricular program or activity and reports directly to the superintendent, principal, athletic director, or other school administrator within the jurisdiction of the Board.

Exceptions for spouses of Board members in volunteer positions only:

Notwithstanding the preceding paragraph, the Board may permit a Board's member's spouse to serve as a volunteer in the same capacities as other school volunteers. In approving spouses of Board members as volunteers, the Superintendent/designee will ensure that practices applicable to approval of school volunteers discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restrictions based solely on family association. Board member spouses who volunteer in schools will be subject to the provision of the board's policy IJOC, School Volunteers.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

Legal Reference:

20-A M.R.S.A. § 1002

Cross Reference:

BCB – Board Member Conflict of Interest

GAB – Job Descriptions

GDA – Support Staff Positions

GDGF – Support Staff Employment

IJOC – School Volunteers

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