

## NEPOTISM

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:

- A. "Immediate family" means spouse, brother, sister, parent, son, or daughter.
- B. "Administrative supervision" refers to the authority of a person in the position of principal or higher.

### Employment

It shall be the policy of the **Pembroke School Department** not to employ as school unit staff any person who is a member of the immediate family of a School Committee member or of the Superintendent.

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

### Supervision and Evaluation

No person shall be employed in or assigned to a position that is within the administrative 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 School Committee 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 School Committee member.**

**NOTE: The following exceptions for spouses of school Committee members for stipend employment and as volunteers are the result of LD 1323, enacted as P.L. 242 and signed by the Governor Jun 16, 2021. These exceptions “sunset” June 30, 2024 unless extended by the Legislature. A board is not required to adopt either of these exceptions.**

**Exceptions for spouses of School Committee 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 School Committee authorizes the Superintendent to employ a spouse of the member of the School Committee 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 School Committee’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 restricts 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.**

**NOTE: MSMA recognizes that in some school systems, it may be difficult to find qualified and willing instructional staff to fill stipend positions. We recommend job descriptions with basic qualifications and duties/responsibilities for stipend positions. If the School Committee wishes to permit spouses of committee members as well as staff to serve as stipend employees, this will be helpful in making merit-based hiring decisions.**

## Volunteers

Under Maine law (20-A MRSA § 1002(2-A)), a School Committee member or a School Committee 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 School Committee.

### **Exceptions for spouses of Committee members in volunteer positions only:**

**Notwithstanding the preceding paragraph, the School Committee may permit a Committee member's spouse to serve as a volunteer in the same capacities as other school volunteers. In approving spouses of School Committee 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 restricts based solely on family association. School Committee member spouses who volunteer in schools will be subject to the provision of the School Committee'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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