

LINDA PETERS, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION

PINELANDS REGIONAL SCHOOL :

DISTRICT, OCEAN COUNTY, :

RESPONDENT. :

SYNOPSIS

This matter originated in a State Board appeal of two letter decisions of the Commissioner which dismissed a two-count petition by a tenured speech correctionist who challenged the Board’s action reducing her full-time position to part-time, twenty hours per week.

Citing N.J.S.A. 18A:28-5 and 28-9, the ALJ determined that the Board engaged in an illegal RIF by reducing petitioner’s position from a full-time position to a part-time position without reducing the amount of work she was required to do. Because of this illegal RIF, the ALJ granted petitioner’s Motion for Summary Judgment and ordered the Board to award petitioner back pay and other emoluments related to her position.

The Commissioner concurred with the ALJ and granted summary decision to petitioner insofar as she alleged violation of her tenure and seniority rights. The Commissioner directed respondent to pay petitioner all salary and emoluments owing and due her for the 1996-97 school year.

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The record and Initial Decision issued by the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon full review of the record and, having carefully and thoroughly considered the factual circumstances unique to this matter, the Commissioner agrees with and adopts as his own the recommendation of the Administrative Law Judge that respondent award to petitioner back pay and emoluments, essentially for the reasons set forth in the Initial Decision.

Accordingly, summary judgment is granted to petitioner insofar as she alleges violation of her tenure and seniority rights. Respondent is, therefore, ordered to pay to petitioner all salary and emoluments owing and due her for the 1996-1997 school year.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 11, 2000

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* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.