

11-02

NATALIA MARIA TOMASSINI, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY : DECISION
OF TRENTON, MERCER COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner challenged the Board's assignment of her to another teaching position for the 2000-2001 school year and reduction in her salary.

The ALJ determined that the Board's reassignment of petitioner from her teacher-facilitator position to a teacher position, and concomitant reduction in her salary, were contrary to law because petitioner accrued tenure under her instructional certificate, and her tenure under the instructional certificate was transferable to the new position, thus precluding the reduction in petitioner's salary.

The Commissioner affirmed the decision of the ALJ.

January 10, 2002

OAL DKT. NO. 6585-00
AGENCY DKT. NO. 285-7/00

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, and based on the joint stipulation of facts, the Commissioner concurs with the Administrative Law Judge (ALJ) that the Board violated petitioner’s tenure rights when it reduced her salary upon reassignment to “another teaching position for the 2000-2001 school year ***” in the absence of a reduction in force. (Initial Decision at 2)

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein; summary judgment is granted to petitioner. The Board is directed to restore petitioner’s salary to \$51,156 (the amount which she earned in the 1999-2000 school year), to reimburse petitioner the difference between the salary to which she was entitled in 2000-2001 school year, and the salary which she actually earned that year, and to provide petitioner with all emoluments denied or reduced as a result of the reduction in her compensation.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: 1/10/02

Date of Mailing: 1/14/02

* 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.