

#158-09 (OAL Decision: Not yet available online)

WENDY WACHTEL, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF MONTGOMERY,
SOMERSET COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner, a teacher in the Montgomery Township School District since September 1997, challenged her salary guide placement upon return from an approved maternity leave in December 2005, and sought to be reinstated to a higher step on the salary guide, with retroactive pay and other relief. The respondent Board filed a motion for summary decision, arguing that the petitioner should have brought her dispute to arbitration through the grievance procedure set forth in the district’s collective bargaining agreement, and not before the Commissioner.

The ALJ found, *inter alia*, that: there is no dispute that petitioner was placed on the salary steps in accordance with the collective bargaining agreement; respondent is correct that this matter should have been grieved by the petitioner under the collective bargaining agreement; the Commissioner lacks jurisdiction to hear this matter; and petitioner’s argument that N.J.S.A. 18A:6-10 empowers the Commissioner to hear this dispute is without merit. The ALJ granted respondent’s motion for summary decision, and dismissed the petition.

Upon careful and independent review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter for the reasons clearly stated therein.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

May 20, 2009

OAL DKT. NO. EDU 4221-08
AGENCY DKT. NO. 101-4/08

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 RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties. For the reasons set forth therein, the Commissioner adopts the Initial Decision as the final decision in this case.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2009

Date of Mailing: May 20, 2009

* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.