

TAFT REED, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL : DECISION
DISTRICT OF THE CITY OF :
NEWARK, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning teacher alleged the District violated its established policy in refusing to pay him accumulated salary or benefits, vacation time and other employment entitlements upon his retirement.

ALJ found that, as petitioner voluntarily retired from his position before adjudication of the tenure charges filed against him and prior to pleading guilty to a crime of the third degree, he was entitled to reimbursement, pursuant to District policy as memorialized in his collective bargaining agreement, for sick days accumulated prior to October 29, 1996.

Commissioner adopted findings and determination in initial decision as his own. Commissioner ordered the District to reimburse petitioner for said sick days.

OAL DKT. NO. EDU 1516-98
AGENCY DKT. NO. 398-10/97

TAFT REED, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL : DECISION
 DISTRICT OF THE CITY OF :
 NEWARK, ESSEX COUNTY, :
 :
 RESPONDENT. :
 _____ :

The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon his independent and careful review, the Commissioner is in accord with the Administrative Law Judge's (ALJ) determination that, as the within petitioner voluntarily retired from his position before adjudication of the tenure charges which had been filed against him and prior to pleading guilty to a crime of the third degree, he is entitled to reimbursement, pursuant to the District's policy as memorialized in his collective bargaining agreement, for sick days accumulated prior to October 29, 1996.¹

¹ As correctly noted by the ALJ, pursuant to the Commissioner's August 20, 1997 decision in the matter entitled *In the Matter of the Tenure Hearing of Taft Reed*, petitioner can claim no entitlement to payment for any sick time which might otherwise have been accumulated during the period October 29, 1996, when the District certified tenure charges against him and suspended him without pay through December 1, 1996, the effective date of petitioner's retirement from the District.

Accordingly, the initial decision of the OAL is affirmed for the reasons stated therein. The District is hereby ordered to reimburse petitioner for sick days he accumulated prior to October 29, 1996.²

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

NOVEMBER 17, 1998

² This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.