

NORTH BERGEN FEDERATION OF :  
TEACHERS, LOCAL 1060, AMERICAN :  
FEDERATION OF TEACHERS, AFL-CIO, :  
AND EILEEN WENDE, :  
 :  
PETITIONERS, :  
 :  
V. :  
 :  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF NORTH BERGEN, :  
HUDSON COUNTY, :  
 :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner, a tenured clerk of respondent Board, along with her union, appealed the withholding of her increment for the 1997-98 school year.

After an Initial Decision was issued, the Commissioner remanded this matter to OAL for briefing and argument on the issue of jurisdiction, and for additional fact-finding, as necessary upon the exploration of such jurisdictional issues, in order to resolve this matter. The ALJ concluded that there is no statutory authority for the Commissioner to act on the increment withholding of non-teachers. Thus, the OAL has no jurisdiction over this matter. Petition was dismissed.

The Commissioner affirmed the opinion of the ALJ for the reasons set forth therein.

July 13, 2000

OAL DKT. NO. EDU 12085-99  
AGENCY DKT NO. 290-8/97

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:  
PETITIONERS, :  
:  
COMMISSIONER OF EDUCATION  
V. :  
:  
DECISION ON REMAND  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF NORTH BERGEN, :  
HUDSON COUNTY, :  
:  
RESPONDENT. :  
\_\_\_\_\_ :

The record and Initial Decision on remand have been reviewed. Based upon the particular facts established in this matter, the Commissioner adopts as his own the Initial Decision and dismisses the petition for lack of jurisdiction for the reasons expressed therein.<sup>1</sup>

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: July 13, 2000

Date of Mailing: July 17, 2000

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<sup>1</sup> See *Randolph Tp. v. Randolph Ed. Ass'n.*, 306 N.J. Super. 207 (App. Div. 1997), *certif. denied*, 153 N.J. 214 (1998), and *Randolph Bd. of Educ. v. Educ. Ass'n.*, 328 N.J. Super. 540 (App. Div. 2000).

<sup>2</sup> 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.

