

In the Matter of the Tenure Hearing of : Commissioner of Education
Susan Johnson, Board of Education of the :
City of Trenton, Mercer County. : Decision

Synopsis

Petitioning Board certified tenure charges of excessive absenteeism, incapacity, conduct unbecoming, abandonment, and other just cause against respondent – a tenured secretary employed by the Board – and sought to terminate her employment with the district. Respondent was provided notice that, pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4, she had 15 days from the date that the charges were filed with the Commissioner to file a written response to the charges, and that – absent the granting of an extension for good cause – failure to do so would result in the charges being deemed admitted. No reply to the charges was received from or on behalf of the respondent.

The Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted and warrant the termination of the respondent from her tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, and dismissed the respondent from her tenured position in petitioner’s school district.

<p>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.</p>

January 17, 2019

In the Matter of the Tenure Hearing of :
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For the Petitioner, Adam S. Herman, Esq.

No appearance by or on behalf of Respondent, Susan Johnson

This matter was opened before the Commissioner of Education on December 3, 2018 through tenure charges of excessive absenteeism, incapacity, conduct unbecoming, abandonment, and other just cause certified by Dr. Shelley Jallow, Chief Schools Officer, Secondary, of the Trenton School District, together with supporting evidence against respondent, Susan Johnson, a tenured secretary in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at her last known address – via certified mail, return receipt requested, and regular mail – on October 10, 2018.

On December 3, 2018, the Commissioner directed respondent – via both certified and regular mail – to file an answer to the charges. This communication provided notice to respondent that, pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4, an individual against whom tenure charges are certified “shall have 15 days from the date such charges are filed with the Commissioner to file a written response to the charges with the Commissioner,” and that failure to answer within the prescribed period would – absent granting of an extension for good cause shown – result in the charges being deemed admitted. No reply to the tenure charges was received from, or on behalf of, respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that respondent has engaged in conduct that is unbecoming of a support staff member, including excessive absenteeism, failing to follow basic District procedures and protocols, causing disruption in the work environment, and abandonment of her position. Respondent was out of the office for 27.5 days during the 2010-2011 school year, 16.0 days during

the 2011-2012 school year, 60.0 days during the 2012-2013 school year, 62.0 days during the 2013-2014 school year, 113.5 days during the 2014-2015 school year, 121.5 days during the 2015-2016 school year, 38.5 days during the 2016-2017 school year (after utilizing 59.0 accident days), and 112.5 days during the 2017-2018 school year (after utilizing 57 accident days). The respondent has failed to report to work during the 2018-2019 school year and has not attempted to contact the District in any way to discuss her absence. The evidence reflects that respondent's conduct resulted in disruption in the work environment.

Deeming the allegations to be admitted – and noting that respondent has failed to answer the charges certified against her – the Commissioner finds that petitioner's charges of conduct unbecoming have been proven, and warrant the respondent's dismissal from employment.

Accordingly, summary decision is hereby granted to the petitioner, and the respondent is dismissed from her tenured position with the District.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: January 17, 2019

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¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)