

AGENCY DKT NO. 198-8/19

IN THE MATTER OF THE TENURE :
HEARING OF MONIQUE KIRKLAND, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
EAST ORANGE, ESSEX COUNTY. :

For the Petitioner, Jonathan L. Williams, Esq.

No appearance by or on behalf of Respondent, Monique Kirkland

This matter was opened before the Commissioner of Education on August 9, 2019, through tenure charges of conduct unbecoming, chronic absenteeism, insubordination, neglect, and other just cause certified by Kevin R. West, Superintendent of Schools for the East Orange Board of Education, together with supporting evidence against respondent, Monique Kirkland, a tenured secretary in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at the respondent’s last known address on August 9, 2019.

On August 12, 2019, the Office of Controversies and Disputes (C&D) directed the respondent – via both certified and regular mail – to file an answer to the charges. This communication clearly 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 day 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. Having received no response to the first notice, on August 27, 2019, C&D sent a second and final

notice to respondent – via both certified and regular mail – again directing her to file an answer to the charges. To date, no reply to the tenure charges has been 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 been employed by the District as a tenured secretary at the East Orange Campus High School. On or about November 28, 2018, respondent requested an intermittent health leave of absence for a “seasonal” asthma condition. In January 2019 the Board approved a fifteen (15) day intermittent leave of absence effective from December 21, 2018 through June 30, 2019. However, respondent has been continuously absent since on or about January 8, 2019. Having exhausted her fifteen (15) days of intermittent leave as of January 28, 2019, and her accrued sick leave as of February 22, 2019, respondent has been on unpaid leave ever since. Respondent’s health benefits were terminated effective April 1, 2019 for failure to make her required contributions. Further, although she was never approved for such, as of April 2, 2019, her twelve (12) weeks of statutorily protected extended leave of absence would have expired. At no point during this time has Ms. Kirkland responded to, acknowledged, or complied with the District’s repeated requests for medical verification in accordance with the Board’s verification of sick leave policy. Respondent has communicated that she is “out of state” despite being allegedly too unwell to come to work. She has not reported to her job since January 8, 2019.

Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against her, the Commissioner finds that petitioner’s charges of conduct unbecoming a school employee, chronic absenteeism, insubordination, and neglect of duty have been proven and overwhelmingly warrant the respondent’s dismissal. 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.*

COMMISSIONER OF EDUCATION

Date of Decision: September 20, 2019

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* 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*)