

206-21

OAL Dkt. No. EDU 15592-18

Agency Dkt. No. 219-8/18

New Jersey Commissioner of Education

Final Decision

Crystal Saylor,

Petitioner,

v.

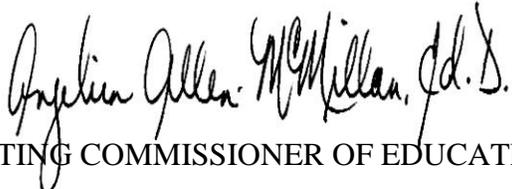
Board of Education of the Town of
West New York, Hudson County,

Respondent.

This matter involves the petitioner's challenge to the Board's termination of her employment, in which she alleged that she had earned tenure as a secretary and was entitled to statutory tenure protections. The Administrative Law Judge (ALJ) found that petitioner had not earned tenure because she was not employed in a secretarial position for the requisite time to earn tenure, and her most recent position as Administrative Assistant to the Superintendent was no longer secretarial. In a decision dated September 26, 2019, the Commissioner agreed with the ALJ that petitioner was not employed as a secretary when she held the position of Administrative Assistant to the Superintendent, and therefore did not have tenure rights when she was terminated. Petitioner appealed the Commissioner's decision, and on May 12, 2021, the Appellate Division reversed and remanded the matter, finding that petitioner earned tenure as a secretary based on her employment in secretarial positions – including her position as an Administrative Assistant to the Superintendent – and she was therefore improperly terminated without the certification of tenure charges.

On remand, in accordance with the Appellate Division's May 12, 2021 decision, the Commissioner finds that petitioner is entitled to reinstatement and back pay, together with all benefits and emoluments of her employment. To the extent that any disputes arise regarding the calculation of back pay, such issues can be addressed in a new petition.

IT IS SO ORDERED.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 30, 2021
Date of Mailing: September 30, 2021

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.