

## CHAPTER 10

## PERSONNEL

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**6:10-1.1 Authority; functions**

(a) The Office of Personnel and Administrative Services is authorized and organized under the provisions of N.J.S.A. 18A:4-22(d) and 18A:4-38.

(b) The Office of Personnel and Administrative Services functions as a staff service unit and provides department-wide coordination and assistance in all personnel matters. Designated as Appointing Authority by the Commissioner, the office performs all activities required by Title II. The Civil Service Law attends to payroll, pension and all other fiscal matters as they relate to personnel fund expenditures, as specified by the Treasury Department and Budget Bureau directives. Within the Division of Administration, it provides general supervision of the Office of Printing.

(c) The Office is the coordinating agent for all revisions and additions in utility services and for structural changes within the building.

**Case Notes**

School board properly terminated employee for poor performance despite employee's claim termination based on political affiliation. *Young v. Township of Willingboro*, 97 N.J.A.R.2d (EDU) 289.

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Disqualification of employee upheld for failure to demonstrate rehabilitation. In the Matter of E.M.S., 97 N.J.A.R.2d (EDU) 253.

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Calculation of pay laid-off instructors could have earned in different district properly calculated based on salaries appropriate to their prior teaching experience. *West Orange Supplemental Instructors Association, et al. v. Township of West Orange*, 97 N.J.A.R.2d (EDU) 220.

Employment rights of staff members of dissolving school district. *Stagaard v. Contini, et al.*, 97 N.J.A.R.2d (EDU) 217.

Mere dissatisfaction over salary did not support claim of constructive discharge. *Cleffi-Miller v. Randolph Township Board of Education*, 97 N.J.A.R.2d (EDU) 213.

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School board retaliated against employee for age discrimination claim. *Reinhardt v. Freehold Regional High School District*, 97 N.J.A.R.2d (EDU) 186.

Administrator's hostile and intimidating demeanor justified mandatory leave and job transfer. *Seyfarth v. Township of Cranford*, 97 N.J.A.R.2d (EDU) 160.

Disqualified employee reinstated after showing evidence of rehabilitation. In the Matter of W.M.M.B., 97 N.J.A.R.2d (EDU) 153.

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Disqualified employee reinstated after demonstrating his rehabilitation. In the Matter of V.R., 97 N.J.A.R.2d (EDU) 132.

Disqualified employee reinstated after demonstrating his successful rehabilitation. In the Matter of E.D., 97 N.J.A.R.2d (EDU) 131.

School board's good faith reasons for not renewing employment contract defeated teacher's claim of discrimination based on pregnancy. *Daly v. Winslow Township Board of Education*, 97 N.J.A.R.2d (EDU) 19.

School board's decision not to reappoint nontenured director of education was lawful, despite board's failure to timely notify director and its violation of Open Public Meetings Act. *Payne v. Township of Willingboro, Burlington County*, 96 N.J.A.R.2d (EDU) 1024.

Alleged sexual assault on student by assistant principal warranted his dismissal where assistant principal's denial of charge was not credible. In the Matter of Nicholas Ciufi, 96 N.J.A.R.2d (EDU) 980.

Teacher was dismissed from tenured position for improper interaction and sexual contact with minor student. In the Matter of the Tenure Hearing of Charlotte Galla, 96 N.J.A.R.2d (EDU) 935.

Use of school time and property for conducting private business and failure to carry out school board policy were sufficient reasons for nonrenewal of untenured principal's contract. *Plotkin v. City of Brigantine, Atlantic County*, 96 N.J.A.R.2d (EDU) 926.

Teacher's inappropriate corporal punishment of students warranted pay reduction, rather than discharge, where teacher's actions were provoked by students and were not intended to harm them. *Hudson Area Vocational Technical School v. Smith*, 96 N.J.A.R.2d (EDU) 903.

Vocational school principal was dismissed for sexually harassing teacher and student. In the Matter of Hugo Vicari, 96 N.J.A.R.2d (EDU) 888.

Reduction of athletic director's salary following change in job title constituted tenure violation where each of 26 performance responsibilities set forth under prior job title appeared in description of newly created position. *Connor v. Township of Cinnaminson, Burlington County*, 96 N.J.A.R.2d (EDU) 861.

Teacher's association has standing to challenge school board policy on supplemental teachers. *Edison Township Education Association v. Edison Township Board of Education*, 96 N.J.A.R.2d (EDU) 463.

Absence from duty due to illness or injury justified teacher in utilizing accumulated sick leave during recuperation. *Brockmann v. Totowa Board of Education*, 95 N.J.A.R.2d (EDU) 502.

Conduct of school board in denying employee's request for an extended sick leave while rejecting report of employee's physician with respect to back difficulty was arbitrary and unreasonable. *Zarzaca v. Willingboro Board of Education*, 95 N.J.A.R.2d (EDU) 471.

Action of school board in abolishing employee's position as assistant school business administrator was for legitimate reason of reorganization and was neither arbitrary nor capricious. *Thompson v. Pleasantville Board of Education*, 95 N.J.A.R.2d (EDU) 278.

School board may enter into joint insurance plans with private insurers using group instead of individual ratings. *Millstone Township Teachers v. Millstone Board of Education*, 95 N.J.A.R.2d (EDU) 254.

Nurse's termination resulted from a service retirement, thus entitling her to continue to participate in group health coverage. *Miller v. Ocean City Board of Education*, 95 N.J.A.R.2d (EDU) 253.

Clerical aide with duties clerical in nature was tenured and could not be removed without cause. *Berardi v. South Orange and Maplewood Board*, 95 N.J.A.R.2d (EDU) 239.

Question whether pupil's sexual assault charges arose out of school bus driver's duties so as to allow defense cost reimbursement was question requiring remand for further factual development of record. *O'Brien v. Freehold Board of Education*, 95 N.J.A.R.2d (EDU) 100.

School district's superintendent did not discriminate against administrators; abolition of positions. *Walsh v. State-Operated School District of the City of Paterson*, 95 N.J.A.R.2d (EDU) 2.

Tenured custodian dismissed; poor job performance. In the Matter of the Tenure Hearing of Ingram, 94 N.J.A.R.2d (EDU) 580.

Board of Education's reappointment of election worker was not arbitrary, capricious or unreasonable. *Coviello v. Fair Lawn Borough Board of Education*, 94 N.J.A.R.2d (EDU) 486.

Subcontract for custodial services; resulting termination of employment did not violate tenure laws. *Englewood Teachers Association v. Englewood Board of Education*, 94 N.J.A.R.2d (EDU) 423.

Withdrawal of resignation in order to be entitled to additional retirement benefits was ineffectual. *Citro v. Hazlet Township Board of Education*, 94 N.J.A.R.2d (EDU) 402.

Mitigation of damage awards for teachers reinstated after reduction in force. *West Orange Supplemental Instructors Assn. v. West Orange Bd. of Education*, 94 N.J.A.R.2d (EDU) 337.

Salary reduction due to transfer from 10 month position to 12 month position; tenure rights. *Casey v. Cinnaminson Board of Education*, 94 N.J.A.R.2d (EDU) 187.

Privatization of tenured custodial positions permissible. *Englewood Teachers Association v. Englewood Board of Education*, 94 N.J.A.R.2d (EDU) 172.

Custodial tenure under an express policy; no action to rescind. *Strincoski v. East Brunswick Township Board of Education*, 94 N.J.A.R.2d (EDU) 37.

School nurse not entitled to continuation of health insurance coverage as retirement benefit; employment status terminated pursuant to reduction in force and not the result of service retirement. *Miller v. Southern Regional High School Board of Education*, 93 N.J.A.R.2d (EDU) 633.

Clerk-typist position eliminated for valid reasons of budget constraints and available workload. *O'Neill v. Board of Education of Borough of Fort Lee*, 93 N.J.A.R.2d (EDU) 407, affirmed 93 N.J.A.R.2d (EDU) 694.

Excessive absenteeism; dismissal of custodian. *State-Operated School District of Paterson v. Watson*, 93 N.J.A.R.2d (EDU) 362.

Custodian did not acquire tenure by virtue of 1955 resolution of Board of Education stating policy of Board to grant tenure to efficient janitors. *Strincoski v. Board of Education of Township of East Brunswick*, 93 N.J.A.R.2d (EDU) 333.

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Motor vehicle offense was "criminal action"; school bus driver entitled to payment of legal fees. *Drabich v. Board of Education of Township of Hillsborough*, 93 N.J.A.R.2d (EDU) 173.

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School custodial worker demonstrated rehabilitation from employment disqualification arising from criminal convictions. *Wolfbrandt v. New Jersey State Department of Education*, 92 N.J.A.R.2d (EDU) 457.

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Guilty plea; no automatic forfeiture of teaching and wrestling coach positions. *School District of City of Garfield v. Olek*, 92 N.J.A.R.2d (EDU) 319.

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Teacher's unbecoming conduct warranted removal. *Matter of Tenure Hearing of Sheridan*, 92 N.J.A.R.2d (EDU) 257.

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Alleged sexual improprieties; teacher dismissal. In Matter of Tenure Hearing of Fargo, School District of Borough of North Arlington, 92 N.J.A.R.2d (EDU) 172.

Excessive absenteeism; teacher termination. In Matter of Tenure Hearing of White, State Operated School District of City of Jersey City, Hudson County, 92 N.J.A.R.2d (EDU) 157.

"Pool teacher"; notice of termination or payment of salary. *Schultz v. State-Operated School District of Jersey City*, 92 N.J.A.R.2d (EDU) 116.

State take-over of school district; entitlement of attorneys and auditors employed by district to termination pay. *Massa, Seaman and Gerrity v. Jersey City School District and Elena Scambio State District Superintendent*, 92 N.J.A.R.2d (EDU) 52.

Reprimand by school principal for exercise of permissible free speech; removal from file and petitioner reinstated. *Parente v. Metuchen Board of Education*, 94 N.J.A.R. (EDU) 357.