

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

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NEWS RELEASE

Governor Conditionally Vetoes Piece of Legislation

Gov. Christie Whitman today conditionally vetoed the following piece of legislation:

A-2395, sponsored by Assembly Members David C. Russo (R-Bergen/Passaic) and John S. Wisniewski (D-Middlesex) and Senator Joseph A. Palaia (R-Monmouth), which provided certain protections for dismissed nontenured school employees whose names are required to be maintained on a list by State Board of Examiners. The bill clarified existing law by providing that a name will be placed on the list only if the employee is dismissed prior to the end of the year for just cause as a result of misconduct in office. The bill also provided that if a disciplinary grievance is conducted as to the dismissal, an employee's name will not be placed on the list unless just cause due to misconduct in office is found by an arbitrator.

The Governor said that although the purpose of the legislation is laudable, she recommended that the bill be amended to address concerns regarding the appeal procedure for nontenured certificated employees whose names have been placed on the list. Without restriction, the bill specifies that the nontenured certificated employee may file a petition of appeal with the Commissioner of Education challenging the placement of his or her name on the list. The Governor said currently the Commissioner only has jurisdiction in matters involving dismissals of nontenured certificated employees if the employee's statutory or constitutional rights are violated. This new avenue of appeal appears to be unnecessary as an adequate appeal process already exists, she said. Moreover, the Governor said, she has been advised that this unrestricted right of appeal would create an undue administrative burden on the Department of Education. She said the provision should be removed. Additionally, she recommended that the bill specify that an employee's name be placed on the list only if just cause due to misconduct in office is found by both the arbitrator, and also a court or administrative tribunal of competent jurisdiction if the case is appealed. Gov. Whitman also recommended that if a name is placed on the list prior to an appeal being filed, the person's name be removed from the list pending the outcome of the appeal and that a notation be made that the person's name has been proposed for inclusion on the list.