

ARTHUR REINERTSEN, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF : DECISION
 THE TOWNSHIP OF EAST :
 BRUNSWICK, MIDDLESEX :
 COUNTY, :
 :
 RESPONDENT . :
 _____ :

SYNOPSIS

In a prior matter, petitioning tenured custodian alleged the Board violated his tenure rights by relieving him of his duties as head custodian without a tenure hearing for the 1997-98 school year. The Commissioner determined, and the State Board affirmed, that the Board could not reduce petitioner's salary without complying with the due process requirements of the tenure statutes and ordered the Board to compensate petitioner at the same rate he was receiving as head custodian and to reimburse petitioner the amount representing the difference between what he should have received and what he was actually paid after being relieved of his assignment as head custodian. In the present matter, petitioner disputed the regular custodian salary he was receiving for the 1999-2000 school year, maintaining that he should be paid the negotiated guide amount for head custodians.

The ALJ granted respondent's motion for summary decision, determining that the tenure statutes protect petitioner so that his salary can never be reduced below the amount he would have been paid if he had not been relieved of his position as head custodian, but the scope of the tenure statutes does not extend to protect future salary expectancy.

The Commissioner concurred with the findings and conclusions of the ALJ and adopted the Initial Decision for the reasons expressed therein. The petition was dismissed.

OAL DKT. NO. EDU 4554-99
AGENCY DKT. NO. 132-5/99

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge. Accordingly, the Initial Decision is adopted for the reasons expressed therein, and the Petition of Appeal is dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: March 31, 2000