

THOMAS FEDOR, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE :  
 BOROUGH OF ELMWOOD PARK, : DECISION  
 BERGEN COUNTY, :  
 :  
 RESPONDENT. :

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SYNOPSIS

Petitioning tenured principal claimed the Board reduced his employment from a 12-month to a 10-month position and similarly reduced his salary while retaining a less senior individual in a 12-month position, thereby violating his tenure and seniority rights.

The ALJ determined that a RIF, a reduction in petitioner's tangible employment benefits, occurred and, thus, petitioner's seniority rights were triggered. (*Carpenito*) Both petitioner and Michael Nazzarro were tenured employees but because petitioner's seniority as a high school principal exceeded that of Nazzarro, petitioner was entitled to bump Nazzarro for the position. The ALJ granted petitioner's motion for summary decision.

The Commissioner adopted the Initial Decision as his own and directed the Board to compensate petitioner as indicated in the Initial Decision.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU 7669-01  
AGENCY DKT. NO. 287-7/01

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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 that once petitioner was subject to a reduction in his tangible employment benefits, as a tenured principal, his seniority rights were triggered. *See Carpenito v. Board of Education of the Borough of Rumson*, 322 N.J. Super. 522, 531, (App. Div. 1999). For the reasons set forth by the Administrative Law Judge (ALJ), the Commissioner further agrees that petitioner has established he was entitled to the 12-month High School Principal position held by Michael Nazzaro.

Accordingly, the Commissioner adopts the ALJ's recommendation to grant summary decision to petitioner and directs the Board to compensate petitioner as indicated on page 11 of the Initial Decision.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: September 26, 2003  
Date of Mailing: September 26, 2003

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\* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*