

#306-16

IN THE MATTER OF JAMES BRIDGE,	:	
	:	
CHARGING PARTY,	:	
	:	
and	:	
	:	
NORTH WARREN REGIONAL SCHOOL	:	COMMISSIONER OF EDUCATION
DISTRICT BOARD OF EDUCATION,	:	
	:	DECISION
RESPONDENT,	:	
	:	
AND	:	
	:	
JAMES BRIDGE,	:	
	:	
PETITIONER,	:	
	:	
V.	:	
	:	
BOARD OF EDUCATION OF THE NORTH	:	
WARREN REGIONAL SCHOOL DISTRICT,	:	
WARREN COUNTY,	:	
	:	
RESPONDENT.	:	

SYNOPSIS

This consolidated matter involves two appeals filed by the petitioner with the Department of Education, and three unfair practice complaints filed with the Public Employment Relations Commission (PERC). PERC was determined to have predominant interest. The first education matter challenged the Board’s withholding of petitioner’s salary increment following findings by the Affirmative Action Office (AAO) that petitioner acted in a discriminatory manner when he disseminated an anti-Semitic email to members of the North Warren Regional Education Association. The second matter involved petitioner’s challenges to a second AAO investigation into claims by fellow staff members that petitioner engaged in conduct – such as making sexist comments about female co-workers – that amounted to acts of bullying, intimidation and harassment.

With respect to the education matters, the ALJ dismissed both petitions, finding that the Commissioner did not have jurisdiction over the increment withholding because it was done for predominantly disciplinary reasons. Further, the ALJ found that petitioner failed to meet his burden of proof with regard to his challenges of the second AAO investigation.

The Commissioner reviewed the record – which includes the ALJ’s Report and Recommended Decision on the Board’s Motion to Dismiss, the ALJ’s Report and Recommended Decision, the parties’ exceptions and replies, and the final decision of PERC – and subsequently determined that there are no remaining issues under the jurisdictional purview of the Commissioner with respect to the first education matter. To the extent that any issues remain with respect to the second matter, the Commissioner concurred with the ALJ for the reasons thoroughly set forth in her written opinions. Accordingly, the Report and Recommended Decision – as it relates to issues within the Commissioner’s jurisdiction – was adopted as the final decision in this matter.

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.

August 22, 2016

OAL DKT. NOS. EDU 14001-13 and EDU 16637-13 (consolidated)
PERC DKT NOS. CI-2013-059, CI-2013-060 and CI-2013-061
AGENCY DKT. NOS. 215-9/13 and 257-10/13

IN THE MATTER OF JAMES BRIDGE, :
 :
 CHARGING PARTY, :
 :
 and :
 :
 NORTH WARREN REGIONAL SCHOOL : COMMISSIONER OF EDUCATION
 DISTRICT BOARD OF EDUCATION, :
 : DECISION
 RESPONDENT, :
 :
 AND :
 :
 JAMES BRIDGE, :
 :
 PETITIONER, :
 :
 V. :
 :
 BOARD OF EDUCATION OF THE NORTH :
 WARREN REGIONAL SCHOOL DISTRICT, :
 WARREN COUNTY, :
 :
 RESPONDENT. :
 _____ :

This matter involves a consolidated action that stems from two petitions of appeal filed by James Bridge (petitioner) with the Department of Education, and three unfair practice complaints filed with the Public Employment Relations Commission (PERC). In those filings, the petitioner challenged the withholding of his salary increment by the North Warren Regional School District Board of Education (Board) and the findings of an Affirmative Action Office (AAO) investigation. On or about April 10, 2014, pursuant to a Joint Order by PERC and the Commissioner, the matters were consolidated for hearing before a PERC Hearing Examiner as a Special Administrative Law Judge (ALJ); PERC was determined to have the predominant

interest as to the issues within its jurisdiction, and the Commissioner was determined to have jurisdiction to determine any remaining education issues.¹

Following petitioner's case in chief, the Board made a motion to dismiss. With respect to the education matters, the ALJ dismissed both petitions in a Report and Recommended Decision dated June 25, 2015. Specifically, the ALJ found that, with respect to EDU 14001-13, the Commissioner did not have jurisdiction over the increment withholding – pursuant to *N.J.S.A. 34:13A-26* – because it was done for predominantly disciplinary reasons. Additionally, the ALJ found that EDU 16637-13 should also be dismissed because the petitioner did not meet his burden of proving his allegations that the AAO investigator's findings were flawed and ought to be reversed because the witnesses lied, and the AAO, Superintendent, and the North Warren Educational Association conspired against him to encourage witnesses to lie. Further, the ALJ found that the petitioner did not provide any evidence to support his additional allegations, such as that he made a complaint to the AAO about a reverse discrimination matter which the AAO failed to investigate and that he was informed that he would not be teaching German V after the AAO complaint was filed as a form of punishment. The ALJ also dismissed two of the three unfair practice complaints, and the hearing continued on the third unfair practice complaint. In a Report and Recommended Decision dated April 8, 2016, the ALJ found that petitioner's salary increment should be restored.

The record of this matter – which includes the ALJ's Report and Recommended Decision on the Board's Motion to Dismiss, the ALJ's Report and Recommended Decision, the parties' exceptions and replies, and the final decision of PERC – has been reviewed. Upon such review, the Commissioner has determined that there are no remaining issues under the

¹ The procedural history and factual background of these consolidated matters is outlined in the ALJ's Report and Recommended Decision on the Board's Motion to Dismiss, the ALJ's Report and Recommended Decision, and the final decision issued by PERC, and will not be repeated here.

jurisdictional purview of the Commissioner of Education with respect to EDU 14001-13, all issues having been resolved by the final decision of PERC. To the extent that any issues remain with respect to EDU 16637-13 – such as petitioner’s additional allegations – the Commissioner concurs with the ALJ for the reasons thoroughly set forth in her written opinions. Accordingly, the Report and Recommended Decision – as it relates to issues within the Commissioner’s jurisdiction – is adopted as the final decision in this matter.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 22, 2016

Date of Mailing: August 22, 2016

² Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.