

71-18

AGENCY DKT NO. 20-1/18

IN THE MATTER OF THE TENURE :
HEARING OF JUNE JOHNSTON, : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TENAFLY SCHOOL DISTRICT, :
BERGEN COUNTY. :

For the Petitioner, Fogarty & Hara, Esqs.

No appearance by or on behalf of Respondent, June Johnston

This matter was opened before the Commissioner of Education on January 25, 2018 through tenure charges of conduct unbecoming, insubordination, abandonment of position and other just cause certified by Yas Usami, Board Secretary/School Business Administrator of the Tenafly School District – together with supporting evidence against respondent, June Johnston, a tenured secretary in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at the respondent’s last known address – via certified mail, return receipt requested, as well as overnight and hand delivery – on January 23, 2018.

On January 25, 2018, the Commissioner directed the respondent – via both certified and regular mail – to file an answer to the charges. This communication clearly provided notice to respondent that, pursuant to *N.J.A.C. 6A:3-5.3* and *6A:3-5.4*, an individual against whom tenure charges are certified “*shall have 15 days from the day such charges are filed with the Commissioner to file a written response to the charges with the Commissioner,*” and that failure

to answer within the prescribed period would – absent granting of an extension for good cause shown – result in the charges being deemed admitted. No reply to the tenure charges was received from or on behalf of respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that respondent has been employed as a full-time secretary in the District since July 1, 2002. She received tenure on July 2, 2005. In the spring of 2017, respondent's supervisor began complaining about respondent's deteriorating work performance and mental health. Numerous examples are detailed in the Statement of Evidence filed with the tenure charges. Because of these concerns, respondent was directed to submit to a fitness for duty examination with a qualified medical professional selected by the petitioner. As of the date these charges were filed, respondent had not provided documentation that she had complied with the petitioner's August 29, 2017 requirement that she undergo the examination. She has not reported to work since June 20, 2017.

Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against her, the Commissioner finds that petitioner's charges of conduct unbecoming a tenured secretary, insubordination, and abandonment of position have been proven, and overwhelmingly warrant the respondent's dismissal. Accordingly, summary decision is hereby granted to the petitioner, and the respondent is dismissed from her tenured position with the District.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 5, 2018

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* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)