

208-06

IN THE MATTER OF THE TENURE :
HEARING OF DONNA CARTRETTE, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY : DECISION
OF UNION, HUDSON COUNTY. :

SYNOPSIS

The Board certified tenure charges of excessive absenteeism and insubordination against Donna Cartrette, a tenured custodian in the Union School District. Respondent was directed via both certified and regular mail to file an Answer to the tenure charges against her, but failed to do so. Because no reply was received in response to the Board's charges, each count of the charges against respondent is deemed to be admitted. *N.J.A.C. 6A:5-3(c)*.

The Commissioner reviewed the tenure charges certified against the respondent, and the evidence in support of those charges. Deeming such charges to be admitted, and noting that respondent has twice failed to respond to the allegations against her, the Commissioner finds that respondent's actions constitute excessive absenteeism and insubordination amply warranting dismissal from her tenured custodial position. Summary judgment is granted to the District, and Donna Cartrette is dismissed from her tenured custodial position as of the filing date of this decision.

<p>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.</p>

June 12, 2006

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HEARING OF DONNA CARTRETTE, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY : DECISION
OF UNION, HUDSON COUNTY. :

For the Board, Mitzy Galis-Menendez, Esq. (Chasan, Leyner & Lamparello)

This matter was opened before the Commissioner of Education on May 5, 2006 through certification of tenure charges of excessive absenteeism and insubordination by the Board of Education of the City of Union (Board) against Donna Cartrette (respondent), a tenured custodian. Respondent did not reply to the charges when they were initially filed with the Board, and subsequently, the board determined to certify the charges. On May 2, 2006, the Board served respondent, via regular mail and certified mail, return receipt requested, with the Board's resolution, Certificate of Determination, and transmittal letter to the Commissioner, referencing the previously filed and served charges.

Upon receipt of the certified charges on May 5, 2006, the Commissioner directed respondent, via both certified and regular mail, to file an Answer to such charges. This communication clearly provided notice to respondent – as did the Board's above-referenced May 2, 2006 communication – 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 by the charged employee.

Neither the regular nor the certified notices from the Commissioner were returned as undeliverable, but no reply was received from respondent.

The Commissioner's review of the certified tenure charges, and the statement of evidence in support of them, indicates that: (1) respondent's absences in the eight years of her employment have been consistently significant and have worsened over the years; (2) such absences have negatively impacted on the district's ability to operate and maintain its buildings; (3) respondent was granted a medical leave expiring on December 27, 2005, and has neither returned to work nor provided notice of her intent to return; and (4) respondent has consistently failed to acknowledge receipt of Board documents regarding her attendance and failed to attend a related meeting with district administrators as directed.

Deeming such charges to be admitted, and noting that respondent has twice failed to respond to the allegations against her, the Commissioner finds that respondent's actions constitute excessive absenteeism and insubordination amply warranting dismissal from her tenured custodial position.

Accordingly, summary decision is hereby granted to the Board, and respondent Donna Cartrette is dismissed from her tenured custodial position in the Board's employ as of the filing date of this decision.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 12, 2006

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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.*