

KAREN VUKSAN, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF : DECISION
CLIFTON, PASSAIC COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner, a teacher employed by the Board, contends that she should have been compensated for five days of spring recess, when she would have been able to return to work following a period of approved medical leave. Petitioner exhausted her sick leave and was placed on unpaid leave for the period immediately preceding the District's spring break. Respondent Board urges that it was within its managerial discretion to extend petitioner's unpaid leave pursuant to *N.J.S.A. 18A:30-7* and the District's collective bargaining agreement.

The ALJ found that: the collective bargaining agreement allows the Board, at its discretion, to change the requested date for the resumption of duties following an unpaid leave, provided that the date change is not medically contraindicated; the Board properly exercised its discretion to determine the petitioner's duties would resume following spring recess; and petitioner is not entitled to wages for days in which the schools were closed for spring recess since she did not resume her teaching duties until after recess was over. The ALJ ordered the determination of the respondent be affirmed.

Upon careful and independent review, the Commissioner concurs with the ALJ that the petitioner is not entitled to relief. Accordingly, the Initial Decision of the OAL is adopted, and the instant petition is dismissed.

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.

February 1, 2008

OAL DKT. NO. EDU 9693-05
AGENCY DKT. NO. 184-7/05

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions and reply exceptions of the Board were filed in accordance with the prescriptions of *N.J.A.C.* 1:1-18.4.

On exception petitioner essentially recasts and reiterates her arguments advanced below. As it is determined that the Administrative Law Judge's (ALJ) decision fully considered and addressed all of petitioner's credible advancements, these will not be revisited here.

Upon careful and independent review, the Commissioner concurs with the ALJ – for the reasons clearly stated in her decision – that petitioner is not entitled to the relief she seeks.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: February 1, 2008

Date of Mailing: February 1, 2008

*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.*