

BLOOMFIELD EDUCATION ASSOCIATION, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE TOWNSHIP :
OF BLOOMFIELD, ESSEX COUNTY, :
RESPONDENT. :
:

SYNOPSIS

Petitioning education association challenged the respondent Board’s alleged unilateral acceleration of designated retirement or resignation dates on behalf of seven teachers, seeking back pay and reimbursement of unpaid medical expenses.

The ALJ found that: the Board violated its contractual obligations by accelerating the accepted resignation/retirement dates of four of the claimants, but acted lawfully in waiving compliance with the sixty-day notice requirement and processing early resignations at the request of the remaining three claimants. The ALJ ordered that the Board pay two of the four claimants whose retirement date was unilaterally accelerated – because they were twelve-month employees who would have been paid during the summer – whatever salary they would have received during the 60-day contractual term of their notice; he further ordered the Board to reimburse all four of these claimants for verified medical, dental and prescription drug expenses incurred during the portion of the 60-day notice period when their health insurance was cancelled, with the amount capped for each claimant at the cost of continuing health insurance coverage under COBRA plus any co-payments for which the claimant would have been responsible had such insurance remained in effect. All other relief requested by petitioner was denied.

The Commissioner adopted the Initial Decision 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.

OAL DKT. NO. EDU 11979-08
AGENCY DKT. NO. 304-9/04

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner finds the Administrative Law Judge to have fully and fairly considered the facts in light of applicable law, correctly determined the entitlements of each of the individual claimants represented by the petitioning Association, and ordered appropriate relief based upon such entitlements.

Accordingly, the Initial Decision of the OAL is adopted, in its entirety, as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 22, 2008
Date of Mailing: December 22, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.