

P.E.R.C. NO. 2004-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GINGER L. NATHANSON,

Petitioner,

-and-

Docket No. TI-2004-001

SPARTA BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses as moot a petition for contested transfer determination filed by Ginger L. Nathanson against the Sparta Board of Education. The petition alleged that Nathanson was transferred from the high school to the Sparta Middle School for disciplinary reasons in violation of N.J.S.A. 34:13A-25. The Commission concludes that since Nathanson was returned to her former work site before the start of the school year, the petition is moot. Any challenge to a change in working conditions within the high school must be pursued through another type of proceeding.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Petitioner, Bucceri & Pincus (Gregory T. Syrek,
of counsel)

For the Respondent, Fogarty & Hara (Rodney T. Hara, of
counsel)

DECISION

On July 16, 2003, Ginger L. Nathanson filed a petition for contested transfer determination. The petitioner alleged that the Sparta Board of Education had notified her on June 17, 2003 that she was being transferred from the high school to the Sparta Middle School. She alleged that she was being transferred for disciplinary reasons in violation of N.J.S.A. 34:13A-25.

Before 2003-2004 school year began, the petitioner was transferred back to the high school. The Board now asks that the petition be dismissed as moot. The petitioner responds that although she has been transferred back to the high school, her assignment and working conditions are substantially different from those provided in the past.

N.J.S.A. 34:13A-23 prohibits the transfer of school board employees between work sites for disciplinary reasons. N.J.A.C. 19:18-1.1 et seq. establishes procedures for the filing of petitions challenging transfers made for allegedly disciplinary reasons. The remedy in such cases is to return the employee to the former work site. Since the petitioner was returned to her former work site before the start of the school year, the petition is moot. Any challenge to a change in working conditions within the high school must be pursued through another type of proceeding.

ORDER

The petition is dismissed as moot.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, DiNardo, Katz, Ricci and Sandman voted in favor of this decision. None opposed. Commissioner Mastriani was not present.

DATED: December 18, 2003
Trenton, New Jersey
ISSUED: December 19, 2003