

P.E.R.C. NO. 2006-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBURY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TI-2004-003

GLORIA HOLMES,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a petition for contested transfer determination filed by Gloria Holmes. The petition alleges that Holmes was transferred between work sites for disciplinary reasons in violation of N.J.S.A. 34:13A-25. The petitioner has since retired and is now collecting a pension. The Commission concludes that the petition is moot since the remedy in contested transfer matters is to return the employee to the former work site.

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 Respondent, Campo & Campo, attorneys (Thomas G. Campo, of counsel)

For the Petitioner, Zeller & Bryant, attorneys (Matthew B. Wieliczko, of counsel)

DECISION

On August 19, 2005, the Woodbury Board of Education moved to dismiss a contested transfer petition filed by Gloria Holmes. The petition alleges that Holmes was transferred between work sites for disciplinary reasons in violation of N.J.S.A. 34:13A-25.

The motion and accompanying certification allege that pursuant to a settlement agreement of a matter before the Equal Employment Opportunity Commission, Holmes agreed to dismiss this petition. The motion and certification further allege that Holmes has retired and is now collecting a pension. Holmes opposes dismissal on the ground that the Board has not fully

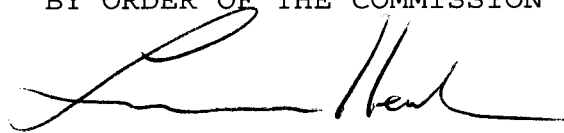
complied with the terms of the settlement agreement. She does not dispute that she has retired.

N.J.S.A. 34:13A-23 prohibits the transfer of school board employees between work sites for disciplinary reasons. The remedy in such cases is to return the employee to the former work site. Since Holmes has retired from the Woodbury school system, the petition is moot. See Sparta Bd. of Ed., P.E.R.C. No. 2004-38, 29 NJPER 547 (¶176 2003) (petition moot where teacher had already returned to former work site). Any claim that the Board has not fully complied with the parties' settlement agreement must be pursued in another forum.

ORDER

The petition is dismissed.

BY ORDER OF THE COMMISSION

A handwritten signature in black ink, appearing to read 'L Henderson', is written over a horizontal line.

Lawrence Henderson
Chairman

Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins voted in favor of this decision. None opposed. Commissioner Katz was not present.

DATED: October 27, 2005
Trenton, New Jersey
ISSUED: October 27, 2005