



THE NEWARK PUBLIC SCHOOLS
Office of the State District Superintendent
2 Cedar Street
Newark, New Jersey 07102-3091
Phone: 973-733-7333
Fax: 973-733-6834



Marion A. Bolden
State District Superintendent

William L. Librera
Commissioner of Education

October 1, 2004

VIA CERTIFIED AND REGULAR MAIL

[REDACTED]

Dear [REDACTED]

You are herewith advised that Charges of Unbecoming Conduct have been filed against you.

In that regard, enclosed please find one (1) copy of each of the following:

- (a) Statement of Charges; (b) Statement of Evidence in Support of the Charges; and
- (c) Appendix of Exhibits supporting the Statement of Evidence.

Please be further advised that pursuant to N.J.S.A. 18A:6-11 and N.J.A.C. 6A:3-5.1, you are granted the opportunity to submit a written statement of evidence under oath with respect to the Charges within fifteen (15) days from the date of receipt of this notice. After the expiration of that period, I shall (i) consider the Charges and the statement of evidence that you have submitted; (ii) make a determination as to whether there is probable cause to credit the evidence in support of the charges; and (iii) if such charges are credited, determine whether they are sufficient to warrant dismissal. In the event of a determination of probable cause, I will certify the matter to the Commissioner of Education of the State of New Jersey for hearing, pursuant to N.J.S.A. 18A:6-16.

You will be notified in writing of any determination.

Very truly yours,


Marion A. Bolden
State District Superintendent

MAB/ash

Enclosures

cc: Rita A. Salley, Executive Director, Human Resource Services
Joanne C. Bergamotto, State Assistant Superintendent, SLT I
JoAnn Gilmore, Principal, Sussex Avenue School
John Dolan, Vice-Principal, Sussex Avenue School
Raphael Felli, Director, Labor Relations
Newark Teachers Union

STATEMENT OF CHARGES

I, JOANNE C. BERGAMOTTO, State District Assistant Superintendent of the State Operated School District of the City of Newark (hereinafter referred to as the "District"), in the County of Essex, do herewith charge that [REDACTED] [REDACTED] a tenured teacher at the Sussex Avenue School, is guilty of Conduct Unbecoming a Teacher and Other Just Cause sufficient to warrant her dismissal from employment from the District.

CHARGE NUMBER ONE

[REDACTED] is guilty of Conduct Unbecoming a Teacher by way of the following:

- a. [REDACTED] is a member of the Newark Teachers Union ("Union").
- b. The District and the Union are parties to a collective bargaining agreement.
- c. [REDACTED] has served as Union representative.
- d. During the 2003-2004 school year, [REDACTED] was assigned to the Sussex Avenue School, Burnet Street School, and Dr. Martin L. King Jr. School as a Consistency Management & Cooperative Discipline Program Facilitator ("CMCD"), for which she was paid an annual salary.

e. During the 2003-2004 school year, [REDACTED] also worked as an After School Youth Development Program Teacher ("ASYDP") in the District's Extended School Day Program, for which she was paid an hourly rate.

f. On or about April 6, 2004, [REDACTED] advised the District that she would not be able to work at all due to hammertoe surgery.

g. On or about April 6, 2004, [REDACTED] submitted an Employee's Medical Certificate, whereby she requested a medical/sick leave from March 26, 2004 through April 26, 2004. Said request included an April 6, 2004 letter from Michael V. Verdi, D.P.M., which stated that [REDACTED] was under his care and that [REDACTED] would be able to return to work on April 26, 2004.

(See Exhibit "A").

h. The District approved [REDACTED]'s request for medical/sick leave through April 26, 2004. (See Exhibit "A").

i. On or about April 20, 2004, [REDACTED] submitted another Employee's Medical Certificate, whereby she requested an extended medical/sick leave through May 17, 2004. Said request included an April 19, 2004 letter from Michael V. Verdi, D.P.M., which stated that [REDACTED] was under his care and that [REDACTED] would be able to return to work on May 17, 2004.

(See Exhibit "B").

j. The District approved [REDACTED]'s request for an extended Medical/sick leave through May 17, 2004. (See Exhibit "B").

k. On or about May 18, 2004, [REDACTED] submitted a third Employee's Medical Certificate, whereby she requested an extended medical/sick leave through May 31, 2004. Said request included a May 13, 2004 letter from Michael V. Verdi, D.P.M., which stated that [REDACTED] was under his care and that [REDACTED] would be able to return to work on May 31, 2004.

(See Exhibit "C").

l. The District approved [REDACTED]'s request for an extended Medical/sick leave through May 31, 2004. (See Exhibit "C").

m. [REDACTED] received her full salary as CMCD Facilitator while she was on medical/sick leave from March 26, 2004 through May 31, 2004.

n. Although [REDACTED] continuously represented to the District that she was unable to work at all due to her surgery, and as such, did not report to work in her capacity as CMCD Facilitator, [REDACTED] nevertheless reported to her position as ASYDP Teacher in the District's Extended School Day Program while on medical/sick leave and submitted timesheets for payment.

o. While on medical/sick leave in April 2004, [REDACTED] submitted timesheets for her work as an ASYDP teacher for thirty-three (33) hours and was paid a total of \$1,056.00 for the following days: April

8, April 19, April 20, April 21, April 22, April 23, April 26, April 27, April 28, April 29, and April 30. (See Exhibit "D").

p. While on medical/sick leave in May 2004, [REDACTED] submitted timesheets for her work as an ASYDP teacher for fifty-one (51) hours and was paid a total of \$1,632.00 for the following days in May 2004: May 3, May 4, May 5, May 11, May 12, May 13, May 14, May 17, May 18, May 19, May 20, May 21, May 24, May 25, May 26, May 27, and May 28.

(See Exhibit "D").

q. [REDACTED] willfully and intentionally abused the medical/sick policy.

[REDACTED]'s willful and intentional misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

CHARGE NUMBER TWO

[REDACTED] is guilty of Conduct Unbecoming a Teacher by way of the following:

- a. The District repeats the allegations set forth in Charge Number One and makes the same a part hereof by reference thereto.
- b. [REDACTED] willfully and intentionally misrepresented her medical condition and medical status to the District.
- c. As a result of [REDACTED]'s willful and intentional misrepresentations, she improperly obtained benefits and services for which she was not entitled to.

[REDACTED]'s willful and intentional misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

CHARGE NUMBER THREE

[REDACTED] is guilty of Conduct Unbecoming a Teacher by way of the following:

a. The District repeats the allegations set forth in Charge Number One and Charge Number Two, and makes the same a part hereof by reference thereto.

b. [REDACTED]'s actions constitute theft of District time and public monies.

c. [REDACTED]'s actions involve dishonesty and clearly touch upon her employment as a teacher and District employee.

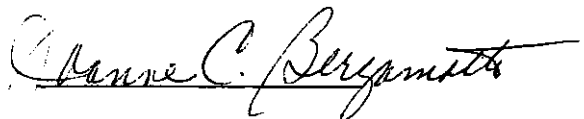
[REDACTED]'s willful and intentional misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

CHARGE NUMBER FOUR

[REDACTED] is guilty of Conduct Unbecoming a Teacher by way of the following:

- a. The District repeats the allegations set forth in Charge Number One, Charge Number Two, and Charge Number Three, and makes the same a part hereof by reference thereto.

[REDACTED] s willful and intentional misconduct as described above constitutes Other Just Cause sufficient to warrant dismissal from employment.


JOANNE C. BERGAMOTTO
State District Assistant Superintendent

Sworn and subscribed to
Before me this 30th day
of September, 2004


Notary Public of the
State of New Jersey


ARLEN ZARTARIAN
Attorney at Law of the State of New Jersey

APPENDIX OF EXHIBITS

- A. The Newark Public Schools Employee's Medical Certificate, dated April 6, 2004, with attached letter from Michael V. Verdi, DPM, dated April 6, 2004.
- B. The Newark Public Schools Employee's Medical Certificate, dated April 20, 2004, with attached letter from Michael V. Verdi, DPM, dated April 19, 2004.
- C. The Newark Public Schools Employee's Medical Certificate with attached letter from Michael V. Verdi, DPM, dated May 13, 2004.
- D. Newark Public Schools—Supplementary Time Report Form (Extended School Day Program) for period April 1, 2004 through April 30, 2004.
- E. Newark Public Schools—Supplementary Time Report Form (Extended School Day Program) for period May 1, 2004 through May 31, 2004.

STATEMENT OF EVIDENCE

Documentary evidence in support of the Charges that [REDACTED]
[REDACTED] is guilty of Conduct Unbecoming a Teacher and Other Just Cause is found
in the reports and other documents prepared or compiled by employees of the
State-Operated School District of the City of Newark and contained in the
Appendix of Exhibits attached hereto.


JOANNE C. BERGAMOTTO
State District Assistant Superintendent

Sworn and subscribed to
Before me this 5th day
of September, 2004


Notary Public of the
State of New Jersey

ARSEN ZARTAR/AD
An attorney at Law of the State of New Jersey

RECEIVED
OFFICE OF GENERAL COUNSEL

04 DEC 21 PM 11:30

[REDACTED]

December 21, 2004

Ms. Rita Salley
Executive Director
Human Resource Services
Newark Public Schools
2 Cedar Street
Newark, N.J. 07102

Dear Ms. Salley:

Please accept this letter as official notification of my intent to retire effective April 30, 2005. I shall forward to your office, immediately upon receipt, any correspondence from TPAF and/or PERS (select appropriate abbreviation) pertaining to my retirement.

I am also requesting that your office complete and submit a Certification of Service and Final Salary form to the Division of Pensions and Benefits. Please send me a copy of this completed form for my records.

Thank you for your consideration of my request. Should you need any additional information, please contact me.

Very truly yours,

[REDACTED]

Elementary Teacher

C: Ms. Marion Bolden, State District Superintendent
Newark Teachers Union