

LEGAL UPDATE

PAA Meeting, April 22, 2021

**NJSBA Legal, Labor & Policy Department
Katrina M. Homel, Esq., Counsel**



New Jersey School Boards Association

© New Jersey School Boards Association
413 West State Street, Trenton, New Jersey 08618
All rights reserved. No part of this document may be reproduced in any form or by any means without permission in writing from NJSBA.

www.njsba.org | 609. 695. 7600 | 888.88NJSBA

Disclaimer

- The content discussed in or distributed at this presentation is for informational purposes only and not for the purpose of providing legal advice. Use of and access to this information does not create an attorney-client relationship or other confidential relationship between any attorney employed by the New Jersey School Boards Association (NJSBA) and the viewer or audience, either individually or collectively. The application and impact of laws can vary widely based on the specific facts involved. No action should be taken in reliance on information discussed in or distributed at this presentation, and the NJSBA disclaims all liability for actions taken or not taken based on such content to the fullest extent permitted by law. You should contact your board/school attorney to obtain advice with respect to any particular issue or problem.



New Jersey School Boards Association

www.njsba.org

Delanoy v. Twp. of Ocean

___ N.J. ___ (March 9, 2021)

- Police officer brought pregnancy discrimination claim against employer
- Claim brought under the NJLAD as modified by the NJ Pregnant Workers Fairness Act (eff. 2014)
- Challenged policies for light-duty work as applied to pregnant officers v. non-pregnant injured officers



New Jersey School Boards Association

www.njsba.org

Delanoy (cont'd)

- Recognized 3 causes of action under PWFA:
 1. Unequal or unfavorable treatment
 2. Failure to accommodate
 3. Unlawful penalization
- Policy that applied to pregnant employees invalid
- Temporary waiver of essential job function not automatically undue hardship



New Jersey School Boards Association

www.njsba.org

Ciripompa v. Bound Brook BOE

Dkt. No. A-5458-18 (App. Div. Feb. 26, 2021)

- *N.J.S.A. 18A:6-14* – relates to suspensions upon certification of tenure charge & compensation
- Plaintiff challenged Commissioner decision denying back pay for unpaid suspension period before tenure charges resolved
- Court found unemployment couldn't be deducted from back pay, but affirmed that pay from substituted employment could be deducted



New Jersey School Boards Association

www.njsba.org

Carsdale v. Princeton BOE

Commr., 2020: Dec. 21

- District's CNA provided for workday of 5 teaching periods
- Teachers could receive extra compensation to teach a 6th period
- Commissioner: 6th teaching period separately tenurable position



New Jersey School Boards Association

www.njsba.org

Legal Status of Marijuana

- New legislation approved in February – P.L.2021, c.16, c.19, & c.25 (see also c.38, approved in March)
- Be familiar with employee protections as well as when employer may (and may not) take adverse action
- Does not interfere with drug-free workplace
- Consider revising policies where appropriate



Questions ???



Legal, Labor & Policy Department

•Carl Tanksley, Esq.	Director	ctanksley@njsba.org	609-278-5245
•Cindy Harrison	Admin. Ass't.	charrison@njsba.org	609-278-5254
•Gina Cuciti	Admin. Ass't.	gcuciti@njsba.org	609-278-5219
•Jean Harkness	Consultant, Policy	jharkness@njsba.org	609-278-5268
•John Burns, Esq.	Counsel	jburns@njsba.org	609-278-5275

NJSBA: 609-695-7600

Toll Free: 1-888-88NJSBA



New Jersey School Boards Association

www.njsba.org

Legal, Labor & Policy Department

Kathleen Asher, Esq.	Counsel	kasher@njsba.org	609-278-5222
•Katrina Homel, Esq.	Counsel	khomel@njsba.org	609-278-5293
•Kurt Rebovich	Consultant, Labor	krebovich@njsba.org	609-278-5233
•Sandy Raup	Data Analyst	sraup@njsba.org	609-278-5224
•Steve McGettigan	Manager, Policy	smcgettigan@njsba.org	609-278-5265

NJSBA: 609-695-7600

Toll Free: 1-888-88NJSBA



New Jersey School Boards Association

www.njsba.org