



**WEST VIRGINIA EDUCATION
EMPLOYEES GRIEVANCE BOARD**

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ROBERT L. CLONCH, JR.

vs.

MONONGALIA COUNTY SCHOOLS

DOCKET NO. 30-86-045

DECISION

Robert L. Clonch, Jr. is employed by the Monongalia County Board of Education as a Mathematics Specialist, a position he has held since 1982. The grievant alleges a violation of W.Va. Code, 18A-4-5a mandating a uniformity of salary for all individuals performing like assignments and duties and favoritism as defined in W.Va. Code, 18-29-2(O). The grievant bases these allegations on the fact that another employee who performs similar duties in another subject area holds the title of coordinator.

A level four hearing was held before this examiner at which time the testimony indicated that Jennifer Snider, Director of General Education, and Superintendent Jack Dulaney recommended to the Monongalia County Board of Education that the grievant be reclassified as Adolescent Education Coordinator, a coordinator III classification. This recommendation was made in part due to the grievant's assigned responsibilities having extended beyond those of a specialist and now being more in conformity with those of other individuals classified as coordinators.

The board of education rejected the Superintendent's recommendation as they did not wish to approve the position of

Adolescent Education Coordinator at that time. The board further agreed that the grievant should retain the title of mathematics specialist.

FINDINGS OF FACT

1. On September 18, 1985 Superintendent Jack Dulaney recommended to the Monongalia County Board of Education that the grievant be reclassified from Mathematics Specialist to Adolescent Education Coordinator. The position was not approved and the grievant retained the classification of subject matter specialist.
2. The grievant's responsibilities have expanded since he first assumed this position and he would now be more accurately classified as a coordinator.
3. In April, 1985 the board of education permitted the position of music supervisor to be reclassified as coordinator of music.
4. The assignment and duties performed by the grievant are similar to those of the coordinator of music in that both positions are supervisory rather than instructional and involve the coordinating of subject area curriculum and interaction with classroom teachers.

CONCLUSIONS OF LAW

1. In fixing the salaries of teachers, the county board of education may establish higher salaries for teachers assigned to or employed for duties other than regular instructional duties; however, compensation must be uniform for all persons performing like assignments and duties. W.Va. Code, 18A-4-5a.

2. School personnel laws are to be strictly construed in favor of the employee. Hedrick vs. Board of Education, 332, S.E. 2d 109 (W.Va. 1985); Morgan vs. Pizzino, 163 W.Va. 454, 256 S.E. 2d 592 (1979).

3. The grievant has failed to produce sufficient evidence to support his claim that the board of education showed favoritism in the promotion of the music coordinator.

The evidence in this matter has shown that the grievant was recommended by his superiors for a position of coordinator III based on his current assigned responsibilities; that another individual assigned similar duties and responsibilities has been reclassified as coordinator III and that the grievant remains classified as a specialist. This action by the board is clearly in violation of W.Va. Code, 18A-4-5a.

Although the position of Adolescent Education Coordinator does not yet exist in the Monongalia County school system the position of coordinator is recognized. This grievant is entitled to the classification of coordinator III with all benefits that position entails.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Monongalia County and such appeal must be filed within thirty (30) days of receipt of this decision. (Code, 18-29-7) Please advise this office of your intent to do so in order that the record can be prepared and transmitted to the Court.



HEARING EXAMINER

DATED: 4/23/84