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**WEST VIRGINIA EDUCATION
EMPLOYEES GRIEVANCE BOARD**
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PAUL COOL, JR.

vs.

DOCKET NO. 51-86-118-2

WEBSTER COUNTY BOARD OF EDUCATION

DECISION

Grievant, Paul Cool is employed by the Webster County Board of Education and during the time period of this grievance held the position of Assistant Principal at Webster Springs Elementary School. Mr. Cool is seeking reimbursement of travel expenses and compensation for time which he worked beyond the regular school day.

The grievant bases his requests on Webster County Board of Education Policy DJD-R which provides for the payment of reasonable travel expenses incurred by any employee or board member in the execution of authorized duties and on W. Va. Code, 18A-4-16 which addresses extra-curricular duty assignments. Mr. Cool states that

W. Va. Board of Education Policy 5210 provides that a regular school day shall not exceed eight hours in duration and that during October, 1985 he was required to return to school after the regular instructional day on seven occasions when athletic or social activities were scheduled.¹ Mr. Cool requests additional compensation and expense reimbursement for the travel from his home to school and back, for those evenings he was required to return to the building after the regular school day.

Decisions rendered at the three prior levels held the after hours duties to be reasonable within the scope of employment as assistant principal, therefore neither the additional compensation nor the travel expenses were reimbursable.

As an assistant principal, Mr. Cool was an administrative employee whose responsibilities included duties assigned by the principal and the duties of the principal in her absence. See: Webster County Board of Education Position Guide: Assistant Principal and W. Va. Code, 18A-2-9. Salaries of assistant principals are set by the board of education under authority of W. Va. Code, 18A-4-5 which provides for the establishment of salary schedules in excess of the state minimums for those employees assigned duties other than regular instructional duties.

¹Mr. Cool was not a staff member in charge of after hours activities, he was present in his capacity as Assistant Principal to supervise the use and care of the grounds and building of the elementary school.

Although the grievant cites seven evenings when his attendance was required at school after regular hours, he kept no record as to the number of hours actually worked. Neither did he seek an extracurricular contract for these duties.

Mr. Cool states that as an administrative assistant he had previously been reimbursed for travel from his home to the board of education office. Subsequent to the level four hearing, Mr. Cool submitted to this examiner three travel expense sheets filed during 1979 and 1980. While these documents indicate the grievant had been reimbursed for travel from Guardian to Webster Springs there is no information relating to the reason for travel, board policy or other circumstances prevailing at that time. As the grievant did not submit this information during the level four hearing the board of education has been deprived of the opportunity to cross-examine Mr. Cool and little weight is given to it when considering the evidence presented.

In addition to the foregoing it is appropriate to make the following findings of fact and conclusions of law.

Findings of Fact

1. During the month of October, 1985, the grievant held the position of Assistant Principal at Webster Springs Elementary School.

2. The grievant was informed at the time he interviewed for the position of Assistant Principal that part of his duties would be to supervise after school activities.

3. Mr. Cool's request for travel expense reimbursement for those evenings he returned to school was denied by Superintendent Dean who noted that the purpose of the salary supplement paid to principals and assistant principals was to compensate for any additional duties.

4. Mr. Cool did not keep a log of the evening hours he worked, however, the estimated time is approximately thirty four and three-fourths hours.

Conclusions of Law

1. The evening hours worked by the grievant were in fulfillment of his responsibilities as Assistant Principal as defined by W. Va. Code, 18A-2-9 and the Webster County Position Guide for Assistant Principals.

2. An employees' travel from home to his assigned school is not a reimburseable travel expense.

3. It is incumbent upon the grievant to support his allegations by a preponderance of the evidence and to present all evidence relevant to his case at the evidentiary hearing.

In accordance with these findings and conclusions, and the record in its entirety, this grievance is denied.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Webster 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.

DATED: Oct. 15, 1986

Sue Keller

SUE KELLER

Hearing Examiner