



Members
James Paul Geary
Orton A. Jones
David L. White

**WEST VIRGINIA EDUCATION
EMPLOYEES GRIEVANCE BOARD**

ARCH A. MOORE, JR.
Governor

Offices
240 Capitol Street
Suite 508
Charleston, WV 25301
Telephone 348-3361

KAREN KEESECKER

v.

DOCKET NO. 21-86-020-2

LEWIS COUNTY BOARD OF EDUCATION

DECISION

Karen Keesecker, the grievant, was first employed by the Lewis County Board of Education as a teacher in 1980. In August, 1984, Ms. Keesecker was offered the position of Director of Social Services and Attendance. Ms. Keesecker accepted the position but indicated dissatisfaction with several terms of the contract. In a letter attached to her written acceptance of the position Ms. Keesecker noted that she and Superintendent Smith had discussed her concerns but had been unable to resolve their differences, therefore, she would be pursuing the matter to a higher authority. Ms. Keesecker subsequently met with the board of education on two occasions to discuss her salary and working conditions. As the matter remained unresolved, Ms. Keesecker initiated grievance proceedings.

Ms. Keesecker alleges a violation of W. Va. Code, 18A-4-5a in that she does not receive the administrative

salary supplement paid to other program directors. Ms. Keesecker asserts that her responsibilities as Director of Social Services and Attendance are substantially equivalent to those of the Special Education Director and the Vocational/Title Director to entitle her to the same salary supplement. Ms. Keesecker requests that she be granted compensation equal to that of other program directors, back pay from August, 1984, and ten percent annual interest.

The board of education denied this grievance after finding the duties and responsibilities of the grievant differ significantly from those performed by other program directors.

Evidence presented at the level three hearing held by the board of education indicates that the Special Education and Vocational/Title I directors are both responsible for supervision of other employees, making personnel recommendations regarding demotion, transfer and termination, and for the management of budgetary matters for their respective programs.

The grievant's duties include the investigation child abuse/neglect reports, acting as volunteer services coordinator to increase parental involvement in school activities and in the tracking of student attendance.

Ms. Keesecker supervises no other employees nor is she responsible for any budgetary matters.

W. Va. Code, 18-8-3 provides that a county board of education shall annually appoint a director of school attendance who shall possess any special and professional qualifications deemed expedient, proper and consistent with regulations of the state board of education. The attendance director's salary shall be fixed by the county board. (Emphasis added.)

The State Superintendent of Schools has addressed the issue of salary supplements for administrative personnel on several occasions and has consistently stated that variations in salary supplement are permissible when based on any of numerous criteria, including duties and responsibilities.¹

This board has previously ruled in the matter of Wright v. Mason County Board of Education, Docket No. 26-86-029 decided on October 7, 1986, that county salary supplements awarded to administrative personnel may vary in amount determined by duties, responsibilities and other criteria.

¹State Superintendent of Schools' interpretations dated August 16, 1985 and March 13, 1985. See also State Superintendent of Schools' Decision: Dorsey Scott and Paul Raines v. Jackson County Schools, February 21, 1985 and N. Michael Slater v. Kanawha County Board of Education, April 19, 1984.

Findings of Fact

1. The grievant was first employed as a teacher by the Lewis County Board of Education in 1980.
2. In August, 1984, the grievant applied for and was offered the position of Director of Social Services and Attendance.
3. The grievant submitted to the Superintendent a letter indicating her acceptance of the position with an attached letter stating her dissatisfaction with several terms of the employment.
4. The grievant met with the board of education on two occasions in an attempt to modify the terms of her contract, however, she remained dissatisfied and now seeks a remedy through the grievance procedure.
5. The grievant is the sole employee assigned to the social service/attendance program and performs myriad activities relating to the welfare of the student population of Lewis County.
6. The remaining directors are responsible for budgetary, personnel and administrative matters relating to the operation of their respective programs.

Conclusions of Law

1. A board of education may fix special salary

schedules for the superintendent, his assistants and other employees so long as the schedule does not conflict with the general provisions of Chapter 18 of the W. Va. Code.

2. W. Va. Code, 18-8-3 provides that the attendance director shall be appointed annually and be paid a monthly salary as fixed by the county board.

3. The grievant has failed to show any discriminatory action by the board of education relating to administrative salary schedules.

In consideration of the foregoing and the record in its entirety, this grievance is hereby DENIED.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Lewis 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 November 26, 1986

Sue Keller

SUE KELLER

Hearing Examiner