



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

CHARLES LEDBETTER
vs.
BRAXTON COUNTY BOARD OF EDUCATION

DOCKET NO. 04-86-092

DECISION

Charles Ledbetter, grievant, is presently employed as a regular, full time bus operator by the Braxton County Board of Education. Prior to retaining this position the grievant was employed as a substitute for another driver and it is from that situation this grievance arose.

As a substitute the grievant was responsible for a schedule which, in addition to a morning and evening run, also had a mid-day run which delivered students from school to a construction site for "hands on" instruction.

The grievant alleges a violation of W.Va. Code, 18A-4-5b and requests this examiner to direct the board to delete this mid-day run to bring the duties of that position in conformity with the others.

FINDINGS OF FACT

1. Prior to accepting a regular, full-time bus operator position with the Braxton County Board of Education the

grievant was employed as a substitute operator by said board.

2. The grievant's route prior to transfer consisted of three runs per day while other operators were assigned only two such runs.

3. The grievant was aware of the duties of the position before he accepted the assignment to substitute.

4. The grievant no longer functions as a substitute nor is he responsible for this run.

5. Prior to grievant's appeal to level four the mid-day run was reassigned on a rotating basis and is no longer the responsibility of any one individual.

CONCLUSIONS OF LAW

1. County salary schedules must be uniform in application to all persons performing like assignments and duties.

W.Va. Code, 18A-4-5b.

As this grievant is no longer employed in the position of question, is asking for no monetary relief and is asking this examiner to remedy a situation which no longer exists, this grievance will be denied without further discussion.

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

Sue Keller

HEARING EXAMINER

DATED: 4/15/86