



**Members**  
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**WEST VIRGINIA EDUCATION  
EMPLOYEES GRIEVANCE BOARD**

**ARCH A. MOORE, JR.**  
Governor

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OLSTON O. WRIGHT

vs.

DOCKET NO. 26-86-029

MASON COUNTY BOARD OF EDUCATION

DECISION

Olston O. Wright, the grievant, is employed by the Mason County Board of Education in the capacity of attendance director, a position he has held since 1968. Mr. Wright asserts a violation of W. Va. Code, 18-8-3 in that he is not paid the salary of a director, but rather, as a classroom teacher. He requests that his salary be computed based on his professional certification, the maximum experience increment and the daily pay scale granted to all other directors. Mr. Wright requests this relief be awarded retroactive to the 1974-1975 school term.

The board of education contends that W. Va. Code, 18A-4-5 permits a variance in employees salaries based upon the level of responsibility associated with the position in question. In the level two decision, Superintendent William A. Barker, Jr. notes the director

of attendance has a very limited scope of responsibility in comparison to the other directors. The grievant is not involved in budgetary matters or resource management, he is not responsible for the supervision or evaluation of other personnel nor is he involved in other administrative areas. Finally, other directors are required to hold a master's degree as a requirement of their position while the attendance director is not subject to this qualification. Mr. Wright believes his lack of a master's level degree is the only valid difference in his position and the other directors.

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.

While Mr. Wright shares the generic title of "director" with various other central office administrators, there is no statutory requirement that all directors must be paid the same supplement.<sup>1</sup>

The grievant also relies on county board of education

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<sup>1</sup>A multitude of interpretations and decisions issued by the State Superintendent of Schools support this finding.

Policy 613. The grievant informed this examiner during the level four hearing that this policy provides for all directors to be paid a daily supplement. A copy of the policy provided by the board of education, at the examiners request, does not appear to include any such provision.<sup>2</sup>

Finally, the board notes that Mr. Wright has delayed pursuing this grievance for more than ten years. Mr. Wright agrees that he first began to question his salary in 1974, but did not file a grievance as he was not aware of the grievance procedure, and because he felt sympathetic towards the administration regarding budgetary matters.

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

#### Findings of Fact

1. The grievant is employed by the Mason County Board of Education in the capacity of attendance director, a position he has held since 1968.
2. The primary function of the attendance director

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<sup>2</sup>Perhaps this information is included elsewhere in county policy.

is to promote and enforce regular attendance of all persons of school age.

3. Administrative directors are responsible for budgetary matters, resource management, the supervision and evaluation of personnel and general administrative duties. Administrative directors are required to possess a master's level degree while the Attendance Director is not subject to this qualification.

4. The grievant notes that he is active in professional organizations, his position is unique in the school system and his responsibilities are particularly difficult to fulfill. He believes the requirement of a master's degree is the only valid difference between himself and the other directors and suggests that he may be in a different salary classification due to the clientele with whom he works.

5. The grievant became aware of the salary differentiation in 1974, but delayed the filing of this grievance for over a decade due to his lack of awareness of a grievance procedure and because he felt sympathetic towards the administration.

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.

4. It is incumbent upon an employee to make his employer aware of any disputes in a timely manner to ensure a fair and expeditious resolution of the problem.

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 Mason 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:

October 7, 1984

Sue Keller

Sue Keller

Hearing Examiner