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BONNY CORNELL

v

DOCKET NO. 02-87-222-2

BERKELEY COUNTY BOARD OF EDUCATION

DECISION

Grievant, Bonny Cornell, is employed by the Berkeley County Board of Education and is assigned as a math teacher at Hedgesville High School. A level four grievance appeal was filed on August 21, 1987 alleging that her 1987-88 assignment was altered substantially from her 1986-87 assignment constituting a violation of the transfer procedure set forth in W.Va. Code, 18A-2-7 and that she had been assigned an inequitable workload in violation of county policy. The grievance had been filed at level one on June 15, 1987 and was denied by her building principal. Superintendent Jackson Flanigan denied the grievance at level two and the board of education waived consideration. A level four hearing was conducted on September 17 and proposed findings and conclusions were filed by October 13, 1987.

At level four the grievant argues that her assigned schedule which requires her to teach three general math classes violates county board of education policy GBRC which requires an equitable distribution of the workload; W.Va. Code, 18-29-3 as more preferential assignments given other teachers constitutes favoritism and that her schedule was changed without following the mandatory procedures of W.Va. Code, 18A-2-7.

The board of education asserts that the workload has been equitably assigned and that the change of class assignments within the same area does not trigger the application of W.Va. Code, 18A-2-7 as no transfer takes place.

At the level four hearing the grievant's testimony was that teachers in the math department were given their choice of class assignments based upon their seniority within the school. As she has only been at Hedgesville four years she has less school seniority than other math teachers who have much less county seniority. Because of this she is assigned the less desirable general math classes and must complete more preparations than other staff members. The grievant believes that she is better suited to teach "academic" classes based upon her educational background and years of experience and requests a change

of assignment so that each faculty member is assigned an equal number of general and academic classes.

Documentation submitted by the grievant indicates that her schedule for this year consists of: Algebra IA (one class); Math 2 (two classes); Trigonometry (two classes) and Math 1 (one class).¹ Other faculty schedules are as follows: Dellinger - calculus (2), Gifted (2) and Trigonometry (1); Burt - Algebra I (3), Math I (1), Math IC (1), and C. Math (1); Thomas - Algebra II (2), Algebra IIA (2), Geometry (1) and Geometry A (1); Smith - Math 2 (3), Algebra II (1), Geometry (1) and Algebra I (1) and Cline - Geometry A (1), Algebra I (2); Math I (2) and Geometry (1).

The number of students assigned to each teacher ranges

¹When the grievant expressed her displeasure with the schedule to the building principal he suggested that her Math I class be replaced with a geometry class; however, she indicates that she declined the offer as she had not taught geometry since she had been a student teacher and because she felt it unfair to the other teacher who would be affected and who was already assigned general math classes.

from 129 to 160 with the exception of Mr. Dellinger who is assigned only 83 students due to his position as department chairman which gives him additional free period. The grievant states that she instructs 145 students.

While the board asserts that all of the teachers except Mr. Dellinger are assigned six classes requiring four preparations the grievant argues that preparations for classes such as Algebra I and Algebra IA are reusable and she considers them as only one preparation. No evidence was submitted to support this allegation and the distinction between such classes remains unknown.

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

Findings of Fact

1. The grievant is employed by the Berkeley County Board of Education as a math teacher and is presently assigned to Hedgesville High School.

2. The grievant expressed her dissatisfaction with her 1986-87 class schedule to her principal in May, 1986. In response to her complaints that the general and academic classes were inequitably distributed and that she was required to complete more preparations than other teachers the principal proposed

that the grievant's schedule be amended to substitute a geometry class for a Math I class. The grievant found this proposal unacceptable in part because another teacher would then be assigned three general math classes. The grievant's proposed revisions affect the schedules of all math teachers and purports to give herself and another teacher one less preparation while not changing the number of preparations for all others.

3. Documentation provided by the grievant and addressed more fully in the body of this decision indicates that, with the exception of the department chairman, all of the math teachers are assigned six classes requiring four preparations.

4. The grievant alleges that her class schedule was altered for 1986-87 triggering application of W.Va. Code, 18A-2-7 but she has not provided any evidence establishing the changes.

Conclusions of Law

1. It is incumbent upon the grievant seeking relief pursuant to W.Va. Code, 18-29-1 et seq. to prove all of the allegations constituting the grievance by preponderance of the evidence. Young v. Kanawha County Board of Education, Docket No. 20-87-210-1 and Sall v. Wood County Board of Education, Docket No. 54-86-311-3.

2. The grievant has failed to show the workload to be inequitably distributed or that other employees have been accorded preferential, exceptional or advantageous treatment so as to constitute favoritism as defined by W.Va. Code, 18-29-3.

3. The grievant has failed to establish that her assignment was changed for the 1986-87 school year requiring the application of procedures for transfer as set forth in W.Va. Code, 18A-2-7.

4. A change in scheduling within a teacher's presently assigned area of certification, discipline, department, or grade level does not amount to a transfer as contemplated by W.Va. Code, 18A-2-7. See Schafstall v. Brooke County Board of Education, Docket No. 05-86-347-3.

Accordingly, this grievance is **DENIED**.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Berkeley County and such appeal must be filed within thirty (30) days of receipt of this decision. (W. Va. 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 December 10, 1987

Sue Keller

SUE KELLER
Hearing Examiner