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LINDA DOTSON

v.

Docket No. 13-87-321-4

GREENBRIER COUNTY BOARD OF EDUCATION

D E C I S I O N

Grievant, Linda Dotson, is employed by the Greenbrier County Board of Education as an itinerant school librarian serving Rupert Junior High School and Rainelle Junior High School. She has worked for the Greenbrier County Board of Education for the past twenty-six (26) years. At the beginning of the 1987-88 school term Ms. Dotson was notified by her principal at Rupert Junior High School that she would be teaching a scheduled library science class there for the duration of the term. She filed the present grievance alleging this assignment violated a verbal agreement she had with her employer that she would not be assigned such classes and said assignment constituted such a substantial change in her duties and responsibilities it amounted

to a transfer without notice and hearing as required by W.Va. Code, 18A-2-7. A decision adverse to the grievant was rendered following a Level II hearing on November 10, 1987 and the Board waived at Level III. A Level IV evidentiary hearing was held on February 1, 1988.

There is no factual dispute in the case but the parties offer opposing interpretations of the applicable law. In September 1971 grievant was offered and accepted her current position and for the past sixteen (16) years has performed the duties of librarian at Rainelle Junior High School from approximately 8:15 a.m. to 11:00 a.m. and the same duties at Rupert Junior High School from approximately 12:33 p.m. to 2:59 p.m. She was allowed one and one half (1½) hours for travel time between schools and a lunch period. Ms. Cadle, her principal at Rupert Junior High School, informed her at the beginning of the 1987-88 school term she would be teaching a fifty (50) minute library science class there in place of one of her regularly scheduled librarian duty periods.

Grievant contends this assignment should be removed from her schedule for four main reasons:

1. A former principal at Rupert Junior High School promised her she would not be assigned instructional duties when she first accepted the position in 1971.
2. The new arrangement interferes with her ability to deliver library services to all students at Rupert Junior High School.

3. The assignment of the instructional class is such a substantial change in her duties that it amounts to a transfer and the Board has failed to follow the provisions of W.Va. Code, 18A-2-7.

4. The Greenbrier County Board of Education utilizes a job description for librarians in its personnel policy and that description does not include classroom instructional duties.

The Board took the position that the assignment of one library science class which is not outside grievant's area is not a transfer and the former principal's statements made at the time she took the position were only his perceptions of what the job entailed at the time and grievant was aware he did not have the authority to promise the nature of the duties of the position would never change. The Board also points out while some students may not be served at Rupert during the rescheduled period, a great many will benefit from the grievant's experience in the library science class. The most recent job description for school librarian was also submitted as evidence at the Level IV hearing by the representative of the Board and under one of the duties listed is "Perform other duties as assigned by the principal, library coordinator, or superintendent."

In addition to the foregoing, the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Grievant, Linda Dotson, has been employed as an itinerant librarian by the Greenbrier County Board of Education and assigned to Rainelle Junior High School and Rupert Junior High School for

the past sixteen (16) years.

2. At the beginning of the 1987-88 school term grievant was assigned one library science class at Rupert Junior High School in place of one regular librarian duty period.

3. The library science class will be taught in four blocks of nine (4 weeks) each and will be offered to 7th and 8th grade students.

4. Grievant is certified and otherwise qualified to teach library science at the junior high level.

CONCLUSIONS OF LAW

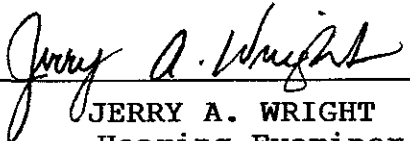
1. A teaching schedule adjustment not including duties or responsibilities outside of a teacher's presently utilized area of certification, discipline, department or grade level is not a change in assignment amounting to a transfer as contemplated by W.Va. Code, 18A-2-7. Gerstner v. Gilmer County Board of Education, Docket No. 11-87-303-3; Pansmith v. Taylor County Board of Education, Docket No. 46-86-057; Burge/Worrell v. Mercer County Board of Education, Docket No. 27-86-113.

2. The assignment of one library science class to grievant's schedule with the deletion of one regular librarian duty period from said schedule did not amount to such a change in her overall position that it constituted a transfer within the meaning of W.Va. Code, 18A-2-7.

3. Grievant failed to prove by a preponderance of the evidence that any verbal or written enforceable promise that she would not be assigned instructional duties was made by any authorized representative or agent of the Greenbrier County Board of Education.

Accordingly, the grievance is **DENIED**.

Either party may appeal this decision to the Circuit Court of Greenbrier County or the Circuit Court of Kanawha County and such appeal must be filed within thirty (30) days of receipt of this decision. (W.Va. Code, 18-29-7) Please inform this office of your intent to do so in order that the record can be prepared and transmitted to the Court.


JERRY A. WRIGHT
Hearing Examiner

DATED: March 7, 1988