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STATE EMPLOYEES GRIEVANCE BOARD**
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LEWIS MEADOWS

v.

DOCKET NO. 19-88-192

JEFFERSON COUNTY BOARD OF EDUCATION

DECISION

Grievant, Lewis Meadows, is employed as the Director of Transportation by the Jefferson County Board of Education (Board). The grievant filed a level four appeal on October 11, 1988 in which he alleged a violation of W.Va. Code §18A-4-5b as the Director of Maintenance is awarded a greater county supplement. The grievance had been previously denied following an evidentiary hearing held at level two and by the Board at level three. Both parties agreed that the matter could be submitted for decision based upon the record and proposed findings of fact and conclusions of law received by November 23, 1988.

The parties have stipulated to the following facts. Both the grievant and the Director of Maintenance are classified as Directors and compensated at pay grade "H" in accordance with W.Va. Code §18A-4-8a. Each receives a salary supplement from the county; however, the grievant's stipend is \$583.25 less per year than that of the Director of Maintenance.

The grievant argues that a comparison of the positions of Director of Maintenance and Director of Transportation establishes that their responsibilities are similar and therefore W.Va. Code §18A-4-5b requires that both receive the same county salary supplement. The Board argues that although both positions are identified as "Director" the specific duties and responsibilities differ so that W.Va. Code §18A-4-5b does not apply.

A review of the job descriptions for the Director of Buildings and Grounds (Maintenance) and the Director of Transportation reveals that the listing of responsibilities and performance standards is identical in sections one through three: "Maintains positive work habits"; "Performance"; and "Professional Development". A comparison of the remaining responsibilities follows: Section Four, "Provides effective leadership". The Director of Maintenance is required to plan and coordinate activities to be effectively

carried out with minimum disruption to the school program and to exercise sound judgment relating to his assignment. The Director of Transportation must develop bus schedules, recruit, train and recommend the employment and assignment of all transportation personnel.

Section Five, "Implements a system to monitor productivity". The Director of Maintenance must demonstrate that services are provided effectively and economically. The Director of Transportation must study vehicular and pedestrian traffic patterns and recommend any changes to improve safety and effectiveness. He must additionally develop field and statistical information for the Superintendent.

Section Six, "Supervision of Subordinates". The Department of Maintenance must provide adequate training and instruction and evaluate subordinates as well as demonstrating supervisory control to insure effective performance. The Director of Transportation is required to conduct in-service training and instruction plus evaluate all transportation personnel.

A statement of specific assignment responsibilities for the Director of Maintenance provides that he receive requests for

and schedule maintenance and repair work, maintain and distribute custodial supplies, supervise construction, repair and remodeling projects, insure compliance with rules of regulatory agencies such as the Fire Marshal's Office and the Health Department, distribute food supplies for school lunch programs and provide technical help to school custodians in the general maintenance of schools.

The specific assignment responsibilities of the Director of Transportation are that he recommend a transportation budget to the Superintendent, supervise the repair and maintenance of transportation vehicles, maintain appropriate parts and supply inventory for the department and perform other responsibilities as assigned by the Superintendent and/or required by Jefferson County File CGBG-R. While obviously not identical, both positions require similar skills to operate a support division and impose similar responsibilities in the functioning of the programs.

In addition to the similar duties and responsibilities, both positions place the assigned individual as head of a department or division and are categorized as paygrade "H". The fact that both positions are included within the same statutory definition and salary classification indicates legislative intent that the positions are to be compensated uniformly. Therefore, any salary supplements provided by the county to directors of service personnel departments or divisions must be awarded on a uniform basis.

In addition to the foregoing narration 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 Jefferson County Board of Education and is presently assigned as the Director of Transportation.

2. The grievant receives a county salary supplement which is \$583.25 less per year than the Director of Maintenance.

3. The positions require similar skills, duties and responsibilities of the individuals assigned to them. Both positions are for a 261 day employment term and both are statutorily classified at paygrade "H".

Conclusions of Law

1. A county may establish salary schedules in excess of the statutory minimum and such schedules shall be uniform throughout the county for all persons performing like assignments and duties. W.Va. Code §18A-4-5b; Hysell v. Mason County Board of Education, Docket No. 26-86-159-1; Stanton v. Jefferson County Board of Education, Docket No. 19-86-071.

2. The Board has improperly awarded county salary supplements of varying amounts to similarly classified employees performing like assignments and duties.

Accordingly, the grievance is **GRANTED** and the Board is hereby Ordered to provide the grievant with a supplement in the same amount as that awarded to the Director of Maintenance.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Jefferson County and such appeal must be filed within thirty (30) days of receipt of this decision. (W.Va. Code §18-29-7) Neither the West Virginia Education and State Employees Grievance Board nor any of its Hearing Examiners is a party to such appeal, and should not be so named. Please advise this office of any intent to appeal so that the record can be prepared and transmitted to the appropriate Court.

DATED: December 29, 1988

Sue Keller

SUE KELLER

HEARING EXAMINER