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RANDY HANSHAW

v.

Docket No. 33-88-130

MCDOWELL COUNTY BOARD OF EDUCATION

D E C I S I O N

Grievant, Randy Hanshaw, has been employed by the McDowell County Board of Education as an inventory supervisor in the parts department of the county bus garage since September 1984. He filed a grievance on April 28, 1988 alleging his employment had been improperly terminated in a reduction of force action. A Level II hearing was held on May 17, 1988 and a decision at that level was adverse to the grievant. The Board affirmed the Level II findings and upon appeal to Level IV, the parties indicated a decision could be made on the record.

The grievant raises no allegations of procedural deficiencies in his termination and simply contends there was no lack of

need for his services and the termination was therefore in violation of W.Va. Code, 18A-4-8b and W.Va. Code, 18A-2-6. Mr. Hanshaw takes the position that since his assignment to the position of inventory supervisor, his actions to streamline certain procedures have resulted in a considerable savings for the Board and his termination would mean a loss of funds instead of continued savings. The Board contends that while the grievant may have initiated some new cost effective purchasing and inventory procedures, others can maintain these procedures and the elimination of the position will result in a savings equal to the grievant's current yearly salary. Its decision to reduce certain service personnel positions was predicated on a drop in student enrollment and a corresponding reduction in state funds.

Mr. Hanshaw's duties since becoming inventory supervisor have included preparation of purchase orders for parts, securing parts when buses break down, keeping track of parts inventory, making some repairs and driving on a substitute basis. (T.5) Upon grievant's appointment to the position the Board had approximately \$200,000.00 in inventory at the bus garage and he was successful in reducing it to approximately \$80,000.00. (T.8) Grievant also points to his direct negotiations with the AC Delco Company to provide parts at prices substantially lower than retail as indicative of his ability to save the Board money. (T.9) (Grievant's Exhibit No.1) Inventory lists were also computerized during grievant's tenure as supervisor and apparently savings were

realized as a result. (T.12,13)

Aside from these assertions grievant provided little, if any, substantive evidence that his termination would result in a loss of money to the McDowell County Board of Education. Moreover, there was a similar lack of evidence in support of grievant's contentions that he had saved the Board money during his tenure as inventory supervisor. It was his testimony that the reduction in inventory was a normal depletion which occurs over the course of a school year and the amount actually spent per year on parts had not decreased.¹ (T.19,20) Grievant did not initiate the use of the computer inventory tracking system but there was merely an upgrade of the equipment which made it easier to prepare certain monthly reports. (T.21,22) It does appear Mr. Hanshaw's direct negotiations with certain parts manufacturers resulted in savings as the Board had previously accepted low bids for large quantities of certain items and received parts of poor quality. (T.19,26,27) There was no showing, however, of how much a savings resulted from these contract negotiations and grievant testified purchases could be easily made in his absence by other employees in the garage. (T.26)

¹There was some indication that the total yearly expenditures for parts may have actually increased due to manufacturers' policy of raising prices by a certain percentage each year. (T.20)

Allegations raised in a grievance must be proven by a preponderance of the evidence, Kirk v. McDowell County Board of Education, Docket No. 03-87-178 and Randolph v. Harrison County Board of Education, Docket No. 17-88-001-2, and the testimony and documents presented by Mr. Hanshaw were insufficient to meet that burden. The issue of a failure by the Board to prove a lack of need at grievant's termination hearing was briefly raised at the Level II hearing (T.8), but no transcript of that hearing was provided upon appeal to Level IV and no legal arguments were advanced as to what burden the Board may have had at that time.

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

FINDINGS OF FACT

1. Grievant, Randy Hanshaw, was assigned to the position of inventory supervisor by the McDowell County Board of Education in September 1984.

2. Because of a decline in student enrollment and impending loss of state funding, the McDowell County Board of Education initiated reduction in force procedures in accordance with 18A-4-8b(b) and eliminated grievant's position effective the end of the 1987-88 school term.

CONCLUSIONS OF LAW

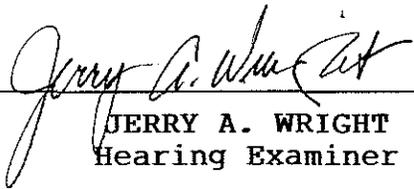
1. W.Va. Code, 18A-4-8b(b) requires a county board of education to terminate the least senior service personnel in a particular classification when it is required to make a reduction of force within said classification. Guella v. McDowell County Board of Education, Docket No. 33-88-100.

2. It is incumbent upon a grievant seeking relief pursuant to W.Va. Code, 18-29-1, et seq. to prove all the allegations constituting the grievance by a preponderance of the evidence. Andrews v. Putnam County Board of Education, Docket No. 40-87-330-1; Bulford v. Preston County Board of Education, Docket No. 39-87-203.

3. The grievant, Randy Hanshaw, has failed to prove by a preponderance of the evidence that there was no lack of need for his services or that the McDowell County Board of Education otherwise violated the provisions of W.Va. Code, 18A-4-8b(b) concerning the reduction of force in service personnel.

Accordingly, the grievance is **DENIED**.

Either party may appeal this decision to the Circuit Court of McDowell County or the Circuit Court of Kanawha County and such appeal must be filed within thirty (30) days of receipt of said 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: August 19, 1988