

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>BETTY LEE,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	<b>CASE NO. 1990-27</b>
<b>V.</b>	:	
	:	<b>DECISION</b>
<b>CHATHAM COUNTY</b>	:	
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

Betty Lee (“Appellant”) appeals from a decision by the Chatham County Board of Education (“Local Board”) to uphold her demotion by the Local Superintendent because of losses sustained in the payroll department she managed. Appellant claims that the school system did not follow its grievance procedures and denied her due process as a result. We sustain the Local Board’s decision.

Appellant has been employed by the Local Board for 20 years. During the last seven years, she served as payroll supervisor, where she was responsible for overseeing the payroll for the Chatham County School System. In the spring of 1990, the accounting and auditing department discovered that two retired employees had been overpaid, one in the amount of \$10,626.00 over a 22 month period, and the other in the amount of \$346.50 over a period of three months. After the overpayments were discovered, Appellant was demoted, effective May 25, 1990. Appellant then filed a grievance to protest her demotion.

The Local Board has a grievance policy that provides for review of grievances at successively higher levels. Generally, this results in five different reviews, beginning with the employee’s immediate supervisor. The next to last level of review is by the Local Superintendent. If an employee is dissatisfied with the Local Superintendent’s decision, an

appeal can be made to the Local Board. This appeal, which is known as a Level V appeal, is heard by a Grievance/Complaint Panel that is composed of from three to five impartial persons. The Level V hearing permits an employee to summon witnesses, to examine and cross-examine witnesses, and to be represented by counsel. The Grievance/Complaint Panel then makes a recommendation to the Local Board, which makes the final decision.

Appellant's immediate supervisor was on administrative leave when Appellant's first level hearing was to be conducted. As a result, Appellant's next level supervisor, Mr. James Snyder, conducted the initial hearing. Mr. Snyder decided that Appellant's demotion should stand. Appellant then appealed to the Local Superintendent. Dr. Wayne Bland, Administrative Assistant to the Superintendent, reviewed the appeal and recommended that the demotion should stand. The Local Superintendent then approved the demotion. Appellant then appealed to the Local Board. On July 30, 1990, a Grievance/Complaint Panel conducted a hearing. Appellant was represented by counsel and was given an opportunity to subpoena, and examine and cross-examine witnesses. At the conclusion of the hearing, the Panel recommended that the demotion should stand. On August, 15, 1990, the Local Board adopted the recommendation to uphold the demotion. Appellant then filed an appeal with the State Board of Education.

Appellant maintains that because her first level supervisor did not conduct the initial review of her grievance, she was denied due process. The Local Board's grievance policy has a paragraph that says:

Employees are encouraged to make known their grievances/complaints so that the orderly operation of the school system may be maintained. Grievances/Complaints should be settled as promptly as possible. It is imperative that the employee's supervisor be the first level of the grievance/complaint. A decision accepting or rejecting the grievance/complaint must be made in writing at each level and must be dated. Each decision shall contain reasons for the particular resolution reached....

Local Board Policy 0721, dated July 22, 1987, p.2.

Appellant claims that this paragraph makes it mandatory for her first level supervisor to conduct the initial review of the grievance. The Local Board maintains that Appellant was given due process and that any procedural errors were harmless.

Local Board Policy 0721 does not require a hearing by the “immediate” supervisor. Instead, it indicates that “the employee’s supervisor” should be the first level to hear the complaint. We do not interpret this language as being an absolute bar to the next higher-level supervisor hearing the complaint when the immediate supervisor is absent. The important issue is that the employee’s grievance has been reviewed by a supervisor, immediate or otherwise.

In Arnold v. Atlanta Bd. of Educ., Case No. 1990-1 (St. Bd. of Ed., 9/9/90), this Board held that the Atlanta Board of Education had to grant an employee a grievance hearing when one had not been previously granted. Appellant argues that Arnold stands for the proposition that a local board denies its employee procedural due process by not following its own grievance procedures. Arnold, however, involved a situation where the local board failed to follow a State Board of Education policy concerning grievances and the employee was not afforded the opportunity to present her grievances. Arnold does not have any application in the present case since Appellant was granted reviews and had a complete hearing with the opportunity to examine and cross-examine witnesses with the assistance of counsel and an opportunity to set forth all of her complaints. In addition, no violation of State Board of Education policy occurred in this case.

The Local Board’s grievance policy is an attempt to manage by placing administrative decisions closest to the people affected. Nevertheless, the Local Board did not close its doors to its employees, but permits them to pursue their grievance to the Local Board. When a grievance is presented to the Local Board, an employee is given the right to be heard, to be represented by counsel, to examine and cross-examine witnesses, and to subpoena witnesses. In the instant case, Appellant was also able to present to the Local Board her concerns that her immediate supervisor was not the initial person to review her grievance. Since Appellant received a complete review of

all her grievances by the Local Board, the State Board of Education concludes that she was not denied due process.

Appellant also complains that her supervisors did not give complete reasons for their decisions. Appellant was also able to raise this issue before the Local Board. Additionally, evidence was presented to the Local Board why Appellant was demoted. As decided above, we conclude that Appellant was not denied due process.

Based upon the foregoing, the State Board of Education is of the opinion that Appellant was not denied due process by the Chatham County School System's handling of her grievance since she received a full and complete review of all her grievances before the Local Board. Accordingly, the decision of the Local Board is

SUSTAINED.

This 13<sup>th</sup> day of December, 1990.

Larry A. Foster  
Vice Chairman For Appeals