

STATE BOARD OF EDUCATION
STATE OF GEORGIA

ERNESTINE E. HEARD,	:	
	:	
Appellant,	:	
	:	CASE NO. 1990-34
v.	:	
	:	DECISION
FULTON COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Ernestine Heard (“Appellant”) from a decision by the Fulton County Board of Education (“Local Board”) to deny her grievance about the method used to calculate her seniority status for purposes of school assignments. The appeal is dismissed.

Appellant is employed by the Local Board as a teacher’s aide. The Local Board employed Appellant initially on July 14, 1978. On April 12, 1979, the Local Board notified Appellant that her position would be discontinued for the 1979-1980 school year, effective June 30, 1979. Appellant was employed again on November 20, 1979. She worked continuously until 1982. On May 26, 1982, the Local Board notified Appellant that her employment would again be discontinued because of a lack of funds. The Local Board employed Appellant again on September 16, 1982. Appellant has worked continuously since 1982. This chronology has resulted in Appellant being unemployed for five months during 1979 and three months in 1982.

Appellant was moved from one school to another as a result of a consolidation program. During the 1989-1990 school year, Appellant requested a transfer back to her old school when an opening arose. Another teachers’ aide was selected for the position. Appellant investigated to find out why she had not been selected. Appellant learned that the Fulton County School System (“Local System”) credited her with eight years of seniority. The Local System calculated her seniority from September 16, 1982, even though it granted her twelve years of experience when

her salary was determined and for retirement purposes.

Appellant filed a grievance to protest the fact that she was not given seniority credit from the date she was initially employed. The grievance was apparently processed through the various administrative levels until it reached the Local Superintendent. When Appellant appealed to the Local Superintendent, a Board of Review panel conducted a hearing and concluded that Appellant's seniority had been correctly calculated. The Local Superintendent adopted the Board of Review's recommendation. The Local Board upheld the Local Superintendent's finding when Appellant appealed. Appellant then filed this appeal to the State Board of Education.

The Local Board's policy GBKA/GCKA defines "seniority" as "an employee's length of continuous service since the last date of hire." Additionally, the policy provides that "Service shall continue to accumulate during ..layoffs due to Reduction-in-Force." Appellant claims that her breaks in service were due to reductions in force because she was informed that there were insufficient funds to continue her position.

The record shows that the Local System has consistently construed its policy. Appellant's breaks in service did not occur because of reductions-in-force. According to Local Board policy, a reduction-in-force occurs only when the Local Board declares a reduction-in-force policy is in effect, which did not occur when Appellant had her breaks in service.

Appellant has not raised any issue in her appeal to indicate that this is a matter of local controversy in reference to the construction or administration of the school law, which is a jurisdictional requirement of O.C.G.A. § 20-2-1160. Instead, Appellant has attacked an internal school policy that applies to non-certified employees. The State Board of Education, therefore, does not have jurisdiction to decide this matter. The appeal, therefore, is hereby

DISMISSED.

This 21st day of February, 1991.

Larry A. Foster
Vice Chairman For Appeals