

## RESOLUTION

(accept in part and reject in part)

WHEREAS, the Board of Education of the Jefferson County School District R-1, has received the advisory opinion and award of arbitrator Kathryn E. Miller concerning JESPA Grievance #846, filed on behalf of Casey Robinson; and

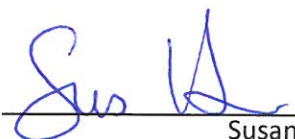
WHEREAS, the Board has duly considered the advisory opinion;

NOW, THEREFORE BE IT RESOLVED by the Board of Education of the Jefferson County School District R-1 that the Board accepts in part and rejects in part the advisory opinion as follows:

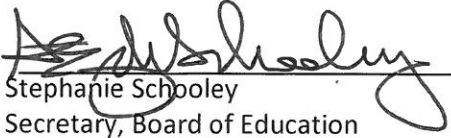
1. The Board of Education of the Jefferson County School District R-1 accepts the finding and opinion of the arbitrator that the District did not racially discriminate against Casey Robinson as the facts support this conclusion.
2. The Board of Education of the Jefferson County School District R-1 rejects the finding and opinion of the arbitrator that the District retaliated against Mr. Robinson as the facts do not support this conclusion. This rejection is based on the following facts:
  - a. The District took appropriate action in response to Mr. Robinson's participation in protected activities, to and including conducting thorough investigations and taking remedial action.
  - b. There was no testimony that any member of the interview panel who selected Mr. Garcia over Mr. Robinson had any knowledge of Mr. Robinson's participation in these protected activities.
  - c. There was testimony that Mr. Robinson's participation in these protected activities was never discussed amongst the interview panel.
  - d. Mr. Garcia was ranked significantly higher by the interview panel than Mr. Robinson in every interview category.
  - e. The interview panel unanimously recommended that Mr. Garcia be the successful candidate.
3. The Board of Education of the Jefferson County School District R-1 rejects the finding and opinion of the arbitrator that the District violated the Collective Bargaining Agreement as the facts do not support this conclusion. This rejection is based on the following facts:
  - a. The District maintains management rights in the Collective Bargaining Agreement to discharge employees for "other legitimate reasons."
  - b. The testimony at the arbitration demonstrated that the elimination of Mr. Robinson's position was part of a Fleet Services Department restructure, which eliminated two positions and restructured, regraded, and reclassified others. This was done to save costs and run the Parts Room more efficiently.
  - c. The District had legitimate reasons to restructure the Fleet Services Department in this manner and eliminate Mr. Robinson's position.

Adopted, signed and approved this 11<sup>th</sup> day of March, 2020.

(SEAL)

  
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Susan Harmon  
President, Board of Education

ATTEST:

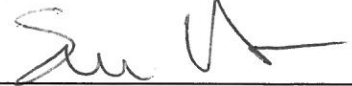
  
Stephanie Schooley  
Secretary, Board of Education

Member R. Mitchell moved the adoption of the foregoing Resolution. The motion to adopt the foregoing Resolution was then duly seconded by S. Miller, put to a vote, and carried on the following recorded vote:

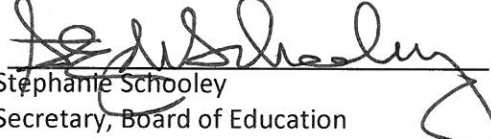
Those voting "aye": S. Harmon, S. Miller, R. Mitchell, B. Rupert

Those voting "nay": S. Schooley

(SEAL)

  
Susan Harmon  
President, Board of Education

ATTEST:

  
Stephanie Schooley  
Secretary, Board of Education