FIRED BUS DRIVER BELIEVES SHE'S ENTITLED TO AN APPEAL HEARING BEFORE SCHOOL BOARD

A bus driver working for the Columbia County School District in Georgia was fired for violating school policy. She sued on the grounds that she was entitled to a Board hearing, despite her status as at "at-will" employee. Legal wrangling ensued. The woman was classified as "at-will" according to the District's employment plan. Classified at-will employees for the District, in addition to bus drivers, included custodians and secretaries, while certified employees are teachers and administrators. Certified employees, coded by the District as "GAE," are entitled to an appeal hearing in front of the School Board, while classified at-will employees, coded as "GCK," are not. At-will employees can, however, appeal a termination and discuss the appeal with a supervisor(s). The former driver was fired for a reported "history of employment misconduct," but it was using her cell phone while driving the bus that led directly to her termination. The Director of the Columbia County Transportation Department had met with her three separate times to discuss her violation of the District's cell-phone policy. At the end of their last meeting, he informed the woman that he was recommending termination. The recommendation was reviewed and upheld by the Assistant Superintendent, followed by the Superintendent. The School Board then perused the case and decided that a termination hearing was not necessary, as the information provided was adequate. It approved the termination based on the woman's history of misconduct, policy violations and insubordination, further noting that the cell-phone incident alone, which violated both school policy and Georgia law, was enough to fire the driver. The woman's subsequent lawsuit alleged that the School Board had violated her procedural and substantive due process rights. She sought a writ of mandamus – essentially demanding that the Superior Court compel the Board to correct its reputed "illegal conduct." The Board removed the case to a federal court, where judges granted summary judgment in favor of the defendants – which included every person or group that had reviewed the termination recommendation. The plaintiff's argument, that at-will employees are entitled to GAE policies and procedures, cited a 2007 Settlement Agreement between the District and her union. It mentioned a grievance policy available to all classified employees, specifically referencing "GAE-1" – the code for certified employees. The woman believed that this gave her the right to have an appeal hearing before the Board, regardless of her classification as an at-will employee. Both federal and appellate judges agreed that the plaintiff had misinterpreted the Settlement Agreement. And why? A typo. Judges believed that the "GAE-1" was a typographical error, as the agreement further mentioned transportation workers, who are at-will employees, while negotiations and a later memorandum denoted a new grievance policy under the GCK plan – none of which was disputed in court. According to the appeals court, the "GAE-1," quite simply, should have read "GCK." As such, the woman wasn't entitled to an appeal hearing. As an at-will employee, the plaintiff could appeal her termination, meet with supervisors and have the Board review the decision to terminate, all of which she did. Finding that the Board properly followed all procedures, appellate judges affirmed the district court's grant of summary judgment.