

The LOUDONVILLE-PERRYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT BOARD OF EDUCATION, Ashland County, Ohio, met in \_\_\_\_\_ session on the \_\_\_\_\_ day of October, 2023, with the following members present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

M\_. \_\_\_\_\_ moved the adoption of the following resolution:

**RESOLUTION**

WHEREAS, the Loudonville-Perrysville Exempted Village School District Board of Education (“Board”) employs Donnell Bird (“Bird”) in the position of custodian under a limited, non-teaching employment contract pursuant to R.C. 3319.081; and

WHEREAS, pursuant to the collective bargaining agreement (“Agreement”) between the Board and OAPSE Local #245 (“Association”), the classification of custodian is represented by the Association; and

WHEREAS, pursuant to Article 24, Personnel Provisions, Section F., Custodial Personnel, subsection 3., of the Agreement, the work day for custodians is eight (8) hours per day, exclusive of a thirty (30) consecutive minute lunch; and

WHEREAS, pursuant to Article 24, Personnel Provisions, Section A., All Personnel, subsection 10., of the Agreement, all Association employees are required to record all time worked as designated by the Treasurer and as approved by the supervisor; and

WHEREAS, on October 6, 2023, the Superintendent determined by way of investigation, personal observation, building video surveillance review, signed and submitted timesheet review, and to some extent Bird's own admission, that on various dates during the 2023-2024 contract year, including but not limited to the following: 9/08/2023, 9/11/2023, 9/12/2023, 9/14/2023, 9/15/2023, 9/18/2023, 9/19/2023, 9/20/2023, 9/21/2023, 9/22/2023 and 9/25/2023, Bird did not work an eight (8) hour work day, but recorded eight (8) or more hours of work per day on these dates, and submitted same for payment of payroll through the Treasurer's Office; and

WHEREAS, Board Policy 4210, Staff Ethics, provides in pertinent part that all classified staff members are to maintain high standards in the performance of their duties; and

WHEREAS, Board Policy 8900, Anti-Fraud, provides in pertinent part that: “[t]he Board of Education expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical. The District will not tolerate such activities, and will investigate claims of suspected fraud or fraudulent activity and implement appropriate disciplinary measures, when necessary. Fraud and fraudulent activity are strictly prohibited. For purposes of this policy, fraud includes the misuse and/or misappropriation of public money by any Board employee member or official, or any office or Department of the District, including by way of example falsification of any District record (particularly financial records) with the intent to conceal information to the District's detriment or the individual's advantage;” and

WHEREAS, Administrative Guideline 6700, Fair Labor Standards Act, provides in pertinent part that: “[i]t shall be the responsibility of all covered, non-exempt employees to record and submit an accurate account of their time worked each week on approved forms or via electronic or machine timecards. An employee's misrepresentation or failure to submit an accurate account

of his/her time worked may subject the employee to discipline up to and including termination;”  
and

WHEREAS, Article 23, Employee Discipline, of the Agreement sets forth the procedure for discipline, including termination, of Association employees; and

WHEREAS, Section 3319.081 of the Ohio Revised Code, which governs termination of non-teaching employees, provides that a board of education may terminate a non-teaching employee for reasons set forth in the statute, which includes the reason of violation of written rules and regulations as set forth by the board of education, neglect of duty, and dishonesty; and

WHEREAS, the Superintendent has determined, based upon the foregoing, that Bird engaged in conduct on at least the following work dates: 9/08/2023, 9/11/2023, 9/12/2023, 9/14/2023, 9/15/2023, 9/18/2023, 9/19/2023, 9/20/2023, 9/21/2023, 9/22/2023 and 9/25/2023, that violates Board Policies 4210, 8900, Administrative Guideline 6700, and Article 24, Section A.10., of the Agreement, by falsifying hours worked as submitted on timesheets for approval by supervisor, and for payment of payroll by Treasurer’s Office, as specifically set forth in the notice of intent to terminate issued to Bird by the Superintendent on October 6, 2023; and

WHEREAS, Bird’s conduct, as described above, amounts to a total of 36 hours and 48 minutes of work hours reported, but not actually worked, over the period of time as stated; and

WHEREAS, in the Superintendent’s written notice of intent to terminate issued to Bird on October 6, 2023, Bird was served with official written notice of her right to a due process hearing before the Board at the Board’s regular public meeting on October 9, 2023, regarding the Superintendent’s recommendation that the Board terminate Bird’s limited, non-teaching employment contract with the District, prior to the Board taking any public action regarding the Superintendent’s recommendation; and

WHEREAS, Bird appeared/did not appear for the due process hearing before the Board, held in executive session of the Board, at the Board's regular public meeting on October 9, 2023; and

WHEREAS, the Board has fully considered all matters presented to and before the Board regarding the grounds for the Superintendent's recommendation to terminate the limited, non-teaching employment contract of Donnell Bird on the grounds set forth herein and in the written notice of intent to terminate issued to Donnell Bird on October 6, 2023, and the Board takes official public action on the Superintendent's recommendation as follows;

NOW, THEREFORE BE IT RESOLVED, that the Loudonville-Perrysville Exempted Village School District Board of Education ("Board") hereby acts to approve the Superintendent's recommendation to terminate the limited, non-teaching continuing contract of employment of Donnell Bird, effective October 10, 2023, based upon the grounds as set forth herein and in the Superintendent's written notice of intent to terminate issued to Bird on October 6, 2023, which the Board has determined, upon its review and consideration of the Superintendent's recommendation, constitute violations of Board Policies 4210 and 8900, Administrative Guideline 6700, and Article 24, Section A.10., of the Agreement, and which are thus grounds for such action under Ohio Revised Code Section 3319.081 for the reasons set forth in the statute, which include violation of written rules and regulations as set forth by the board of education, neglect of duty, and dishonesty;

BE IT FURTHER RESOLVED, that the Loudonville-Perrysville Exempted Village School District Board of Education hereby directs its Treasurer to issue official written notice of same forthwith, along with a copy of said Resolution, to non-teaching employee Donnell Bird, and further hereby directs its Superintendent and Treasurer to faithfully execute the terms this Resolution as stated herein.

M\_\_\_\_ seconded the motion.

Upon roll call vote resulted as follows:

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ADOPTED: \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
President