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July 26, 2007

J. Petter Turnquist, CPA
Business Administrator
Warren County School District
185 Hospital Drive
North Warren, PA 16365-4885

RE: Business Office Reorganization Proposal

Dear Petter:

I enjoyed meeting with you on Monday in our office and reviewing the proposal to reorganize the Business Office of the Warren County School District. You obviously have given a great deal of thought to the plan to restructure positions and job duties. Please accept this as confirmation of some of my thoughts and legal opinion which I shared with you following my review of the proposal.

As I understand, Donna Zega currently holds a Class A Secretary position. This is a position in the bargaining unit represented by the Warren County Educational Support Personnel Association/PSEA ("Association"). With the retirement of Bill Rogerson as EIT Office Supervisor, the proposal indicates that Ms. Zega would be a logical choice to serve as the EIT manager/supervisor as a member of the Administrative Support Staff. I would suggest, however, that the new position that is created (which would be very similar to the position held by Mr. Rogerson) should be posted for all qualified applicants. While Ms. Zega seems to be an appropriate candidate, I think it benefits the District to see who else would be available to fill the position. Of course, I would encourage you to check with the Human Resources Office. Confirm that Administrative Support Staff positions are posted.

There is no requirement to fill the position Ms. Zega vacates (a Class A Secretary position) assuming she is promoted to the EIT Manager/Supervisor position. There is no guarantee under the labor contract that vacancies in bargaining unit positions are to be filled.

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While I understand that some of the work that Ms. Zega currently does as a bargaining unit secretary would continue to be her responsibility as a manager/supervisor, this should not be the subject of any complaint by the Association. Mr. Rogerson (a non-bargaining unit member as Officer Supervisor) performed identical duties that Ms. Zega performed while she was in the bargaining unit. Hence, the Association cannot claim that it “owns” that work or that it was work “exclusively” performed by a bargaining unit member.

Judy Whitmire is currently a 4-hour Confidential Tech. This position, like other confidential positions in the District, are not in the bargaining unit. That portion of the proposal that recommends her increase of hours from 4 hours to 8 hours therefore is not of any issue to the Association.

Cindy Nyquist, currently an Administrative Assistant, is categorized as a Confidential Tech. This proposal includes plans to increase her duties (including the addition of supervisory functions) to a Business Services Supervisor position. This also should be of no interest to the Association as Ms. Nyquist is not now in the Association. Moreover, supervisors cannot hold bargaining unit positions.

While I know that there are additional components to the proposal, from our discussion I understand what I have addressed in this letter are of the most pressing nature. As I have explained above, the plans I reviewed are proper and should not lead to any grievance activity. I base this opinion in part on reliance of the Public Employee Relations Act which gives two definitions that I will share with you for purposes of your fine-tuning this proposal and for discussions with the School Board. In the eyes of the law, a “confidential employee” includes an employee who works in a close continuing relationship with public officers or representatives associated with collective bargaining on behalf of the employer. Clearly, the positions described above fit that definition as they work very closely with you who no doubt will be heavily involved in collective bargaining with the District’s teachers and support staff in the future.

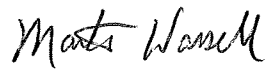
Moreover, a “supervisor” is not and cannot be in a bargaining unit represented by a union (like the Association). By definition, supervisor means any individual having authority in the interests of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees or responsibly to direct them or adjust their grievances or to a substantial degree effectively recommend such action. In this regard, the hallmark of a supervisor is someone who exercises independent judgment. As I understand, the supervisor positions described above (EIT Manager/Supervisor and Business Services Supervisor) fit this definition.

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I look forward to speaking with you further about this proposal.

Very truly yours,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

A handwritten signature in cursive script, reading "Mark T. Wassell".

Mark T. Wassell

MTW/smb
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