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Mark A. Eberl
Executive Director of Support Services
Warren County School District
185 Hospital Drive
North Warren, PA 16365-4885

RE: Supplemental Contracts; Wage Increases

Dear Mark:

This will serve to confirm the opinion I recently rendered to you over a matter that was raised recently by the Warren County Education Association on the subject of wage increases for supplemental contracts (athletic and extra-curricular activities). Apparently, the Association believes that the wage increase recommended by the Fact Finder (which was adopted by the Board) of 2% for the 2005-06 school year – and subsequent increases – apply to every individual who currently holds a supplemental contract rather than just the salaries listed in the contract. The Association's position is not reasonable for the reasons discussed below.

Fact Finder William Caldwell stated as follows:

It is recommended that the employer increase all supplemental salaries as follows: 2% for the 2005-06 school year, 2% for the 2006-07 year and 2% for the 2007-08 year.

OF COUNSEL
WILLIAM C. SENNETT
EDWIN L.R. MCKEAN

At the Fact Finder's hearing, the Association presented an exhibit in support of its position on supplemental contracts. The exhibit listed each of the contracts along with the wage increase proposed by the Association. Accordingly, it is reasonable to interpret the Fact Finder's report (and the Association's intent) only to increase the supplemental contracts listed in the labor contract. This is significant. As you are aware, the labor contract states that the salaries set forth in the supplemental contract schedules are "minimum amounts and the School District holds the right to offer more than

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the minimum based upon employee's qualifications and/or experience." As a matter fact, there are a number of holders of supplemental contracts in the District who are currently paid more than what is found in the contract. Their salary was created in the sole discretion of the District and is not found anywhere in the contract. The 2% wage increase to be effective in the upcoming school year for supplemental contracts would *only apply* to those listed in the labor contract. To view that it applies even to those not found or listed in the labor contract would take away the discretion from the District to offer what it deemed appropriate.

Based upon the foregoing, the wage increases for supplemental contracts should only apply to those listed in the labor contract. Adjustments to other supplemental contracts that are not listed on the schedule would be in the discretion of the District. This means that the District may elect to give those employees a 2% wage increase (or not) by Board action.

Should you have any questions, please give me a call.

Very truly yours,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.



Mark T. Wassell

MTW/tc
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