

MEMORANDUM OF AGREEMENT

This Agreement is by and between the Warren County Educational Support Personnel Association (the “Association”) and the Warren County School District (the “District”).

The parties state as follows:

- A. The District posted a Grade 3/Class A/Groundskeeper/Laborer position on May 24, 2007 (the “position”).
- B. The District filled the position on August 15, 2007, with an outside applicant who was a veteran.
- C. The Association filed a grievance on August 21, 2007, with regard to the position, claiming that the District failed to fill the position with the most senior qualified applicant.
- D. The District made plans to create an additional management position in the maintenance department and award the position to the veteran.
- E. The Association notified the District that the creation of the additional management position in the maintenance department constituted an unfair labor practice. The District does not believe it committed an unfair labor practice and believes the creation of an additional management position is a proper exercise of its management rights.
- F. The parties desire to resolve this matter.

The parties, therefore, intending to be legally bound, agree as follows:

- 1. The District shall fill the position by awarding the position retroactively to Brian Fedorchuk with full back pay and seniority in that department beginning August 15, 2007. Brian Fedorchuk shall have more seniority in the maintenance department than the veteran. Brian Fedorchuk shall be placed in the position on January 15, 2008.

2. The District shall post the position vacated by Brian Fedorchuk and all subsequent positions that become vacant as a result of this matter in accordance with the Collective Bargaining Agreement.
3. The District will not create an additional management position but instead shall create an additional Grade 3/Class A/Groundskeeper/Laborer position and fill it with the veteran who shall be the least senior Grade 3/Class A/Groundskeeper/Laborer in the department as of the date of this agreement. The veteran Craig Nelson's seniority date shall be August 15, 2007.
4. The District agrees that the newly created maintenance position above shall be maintained for two (2) years beginning January 15, 2008, and that there shall be no less than four maintenance positions in the maintenance department for that two-year period.
5. Relative to the filling of positions under Article VI. Section 12. F. 3. of the Collective Bargaining Agreement as currently written, the District and the Association agree that when there is a qualified bargaining unit member applicant from within the District, the District will not provide Veterans with a preference as provided in the Veterans' Preference Act, Act of August 1, 1975, P.L. 233 § 1, 51 Pa.C.S.A. § 7101 et seq.
6. The Association will not file an unfair labor practice charge in connection with this matter.
7. The grievance filed on August 21, 2007, is hereby resolved.

The parties have signed this document on this ____ day of January 2007.

Warren County Educational Support
Personnel Association

By _____

Attest _____

Warren County School District

By _____

Attest _____