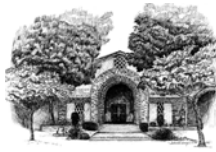


SOUTH PASADENA UNIFIED SCHOOL DISTRICT

Office of the Assistant Superintendent of Business



M E M O R A N D U M

TO: Members of the Board of Education

FROM: Dave Lubs, Assistant Superintendent of Business Services

DATE: April 12, 2016

SUBJECT: Approval of Resolution 2015-2016-12: Declaration of Indefinite Salaries for Management, Confidential and Unrepresented Employees 2016-17

Background

Although Education Code Sections 45032, 45162, and 87806 provide that salaries can be set at any time during the year, these sections do not supersede California Constitution, Article 11, Section 10. The constitution prohibits officers or employees from receiving additional compensation for services already rendered. Courts have generally allowed retroactive pay within the constitution if salaries were legally declared “indefinite”.

Boards of education typically declare salaries indefinite for management and unrepresented employees before June 30 of each year. This provides the ability for salary changes to be applied retroactively if, once negotiated salary settlements are in effect, the Board desires to retroactively apply the negotiated salary to the employees outlined in the resolution. Because salaries for represented groups are established through collective bargaining agreements, and collective bargaining agreements expire on a predetermined and fixed date, it is generally not necessary for the Board to declare salaries indefinite for represented employees.

This declaration will provide flexibility needed in 2016-17 to allow for salaries to be increased, decreased, or remain the same, if deemed necessary. With respect to represented groups, compensation will be determined through the collective bargaining process, including negotiation, mediation, fact finding, and post fact finding negotiation.

Recommendation

Dave Lubs, Assistant Superintendent of Business Services, recommends that the Board of Education approve Resolution #2015-2016-12: Declaration of Indefinite Salaries for the 2016-17 fiscal year.