

STATE BOARD OF EDUCATION

STATE OF GEORGIA

BETTY WARNOCK,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2004-10
	:	
SAVANNAH-CHATHAM COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by Betty Warnock (Appellant) from a decision by the Savannah-Chatham County Board of Education (Local Board) to deny her a cost-of-living salary increase because she is already being paid more than the amount that is supposed to be paid for the pay grade and step she occupies. The appeal is dismissed because the State Board of Education does not have jurisdiction to consider the issue.

The Local Board hired Appellant in 1990 as a lead nurse, which was a twelve-month administrative position. In 1992, the administration eliminated Appellant's position in a reorganization and transferred her to a position of school nurse. In this position, Appellant is an "at-will" employee; she does not have an employment contract and does not have the protections provided by the Fair Dismissal Act, O.C.G.A. § 20-2-940 *et seq.* Although Appellant was placed at a pay grade of 13, step 15, the highest pay grade for a nurse, her pay was not reduced from what she was receiving as the head nurse before the reorganization. After 1992, Appellant received two cost of living increases, which raised her salary to \$35,593. In 1994, the administration decided that Appellant would no longer receive any cost of living increases until the salary of other nurses reached Appellant's salary. In 1997, Appellant filed a grievance because she did not receive a cost of living increase, but the grievance was denied and Appellant did not pursue the issue. Appellant's salary has been frozen since 1994 at the \$35,593 level. Other nurses who are at pay grade 13, step 15 make \$24.47 per hour, while Appellant makes \$28.82 per hour.

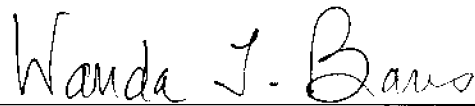
When she did not receive a cost of living increase in 2003, Appellant filed a complaint with the Local Board and the Local Board granted her a hearing. At the end of the hearing, the Local Board decided against giving Appellant a cost of living increase. Appellant then filed an appeal to the State Board of Education.

Appellant claims that the Local Board abused its discretion by not granting her a cost of living increase. The issue, however, is not one that the State Board of Education can review. The State Board of Education has jurisdiction to review decisions by local

boards of education involving the interpretation or administration of school law. O.C.G.A. § 20-2-1160. How a local board of education pays its non-certificated, non-contract employees does not involve school law. There is nothing in Title 20 of the Official Code of Georgia Annotated that addresses the pay of "at will" employees. Thus, a local board of education has the same constraints as any other employer in deciding what it will pay its non-certificated, non-contract employees and "school law" does not provide the employee with any right to a review of any decisions regarding the employee.

Based upon the foregoing, it is the opinion of the State Board of Education that the question of whether a local board of education should grant a pay raise to a non-contract employee who is already being paid more than she is supposed to be paid under the local board's pay schedules is not a question that involves the administration or interpretation of school law and the State Board of Education, therefore, lacks jurisdiction to consider the issues raised. Accordingly, Appellant's appeal is hereby DISMISSED.

This 14th day of November 2003.

A handwritten signature in cursive script that reads "Wanda T. Barrs". The signature is written in dark ink and is positioned above a horizontal line.

Wanda T. Barrs
Chairperson - State Board of Education