

OPINION NO. 69-002

Syllabus:

A reduction in the salary of non-teaching employees is not permitted unless such a reduction is part of a uniform plan affecting all non-teaching employees in the district.

To: John L. Beckley, Vinton County Pros. Atty., McArthur, Ohio
By: Paul W. Brown, Attorney General, January 15, 1969

I have before me your request for my opinion on the following fact situation:

The Vinton County Board of Education employed bus drivers pursuant to Section 3319.082, Ohio Revised Code. Following the consolidation into one school district for the entire county, the transportation system and routes were changed from the prior year to provide for more efficient service. The new routing system brought with it a new salary schedule for the bus drivers based on: (1) total annual miles driven and (2) experience in years for each driver. The above schedule is uniform for all employed bus drivers but it does not apply to any other non-teaching employees. The salary schedule does result in the lowering of some salaries of the bus drivers in Vinton County. Your question in regard to this schedule is whether such a plan is contrary to Section 3319.082, Ohio Revised Code.

Section 3319.082, supra, provides as follows:

"Notice of annual salary. In all school districts wherein the provisions of Sections 143.01 to 143.48, inclusive, of the Revised Code do not apply, each board of education shall cause notice to be given annually not later than the first day of July to each non-teaching school employee, who holds a contract valid for the succeeding school year, as to the salary to be paid such school employee during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction is a part of a uniform plan affecting the non-teaching employees of the entire district. This section does not prevent increases of salary after the board's annual notice has been given." (Emphasis added)

The clear meaning of this statute is that the bus drivers of Vinton County shall not be forced to receive a lower salary unless such a reduction in salary is part of a uniform plan af-

fecting all the non-teaching employees of the entire school district. Since there is no uniform plan calling for a reduction in salary for all non-teaching employees in the district, the proposed schedule for the Vinton County bus drivers is contrary to the provisions of Section 3319.082, supra.

It has been learned by this office that the consolidation into one school district for Vinton County occurred long before the transportation and routing systems were changed. Thus the fact that the consolidation took place has little or no bearing on the solution to the problem.

In conclusion, it is my opinion and you are hereby advised that a reduction in the salary of non-teaching employees is not permitted unless such a reduction is part of a uniform plan affecting all non-teaching employees in the district.