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The State of South Carolina



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December 28, 1990

Dec 31/14/91

The Honorable McKinley Washington, Jr.  
Senator, District No. 45  
Post Office Box 247  
Ravenel, South Carolina 29470

Dear Senator Washington:

You have inquired regarding the lawfulness of a decrease in a pay supplement from the previous school year to a certain class of teachers employed by the Charleston County School District. During the 1989-90 school year, teachers with more than twenty years of experience and who had been employed by the Charleston County School District three or more years were given a "longevity pay supplement" of approximately \$680.00, according to your letter. You have been informed that this longevity pay supplement was decreased for this class of teachers for the 1990-91 school year to approximately \$117.00.<sup>1/</sup> Because this Office possesses no fact-finding authority, we accept this statement of fact as true and use it as the factual basis for our legal analysis.

You have advised that the 1990-91 Appropriations Act at Section 28.39 provides that school districts "are required to maintain local salary supplements per teacher, no less than their prior fiscal year level." You then asked whether, in light of Section 28.39, the Charleston County School District can lawfully decrease the longevity pay supplement of those teachers who received the \$680.00 supplement during the 1989-90 school year?

Under the Education Finance Act (EFA), as amended by the Education Improvement Act (EIA), each school district must pay each teacher entitled to pay increases through adjustments in the State's minimum salary schedule "an annual salary at least equal to the

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<sup>1/</sup> It is our understanding that the "longevity pay supplement" is in addition to another pay supplement which, for this class of teachers, stayed at the same level as the prior school year. With the increase in the State minimum salary schedule, there is thus a net decrease in the salaries of the affected teachers.

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salary stated in the ... schedule for the person's experience and class." S. C. Code Ann. § 59-20-50(4)(a) (1990). The current minimum salary schedule covers only the first seventeen years of experience. It is our understanding that teachers having more than seventeen years' experience are to be paid at least the same salary amounts as are received by teachers of the same class having seventeen years of experience. See § 59-20-50; Op. Atty. Gen. dated December 9, 1987. Therefore, Charleston County School District teachers, as well as those of the other school districts in this State, who have twenty years of experience must be paid at least the amount listed on the minimum salary schedule for teachers of the same class having seventeen years of experience.

In addition to the State minimum salary schedule amounts, current Appropriations Act provisions direct school districts to maintain local salary supplements per teacher at no less than their prior fiscal year level. Act No. 612, 1990 Acts and Joint Resolutions, § 28.39; see also § 59-20-50(4)(b). Therefore, the Charleston County School District, as well as the other school districts, must pay its teachers having twenty years of experience the same local supplements as teachers of that experience level received the previous year (plus the required State minimum salary schedule amount).

It could be argued that the requirement of Section 28.39 of the 1990-91 Appropriations Act is met since the other pay supplement, noted in footnote 1, has not decreased but has stayed the same. The reference to "local salary supplements per teacher" does not contain any restrictive language, however. A "supplement" is something which is in addition to a thing already provided for. See cases collected in 40A Words and Phrases, "supplement." Clearly, a "longevity pay supplement" paid to the previously-described class of teachers is a payment in addition to the State minimum salary requirement and is locally adopted by a given school district, here Charleston County. In view of the State's well-known desire to attract and retain qualified teachers and compensate them accordingly, it would be appropriate to interpret Section 28.39 broadly to include the "longevity pay supplement" within the purview of the "local salary supplement."

This Office previously examined a similar situation in Op. Atty. Gen. No. 87-98, dated December 9, 1987, enclosed. We concluded therein that

school teachers meeting the criteria for salary increases under § 59-20-50(4)(a) must be paid the State minimum salary schedule amount noted above for their class and level of experience plus no less than the amount of the local salary

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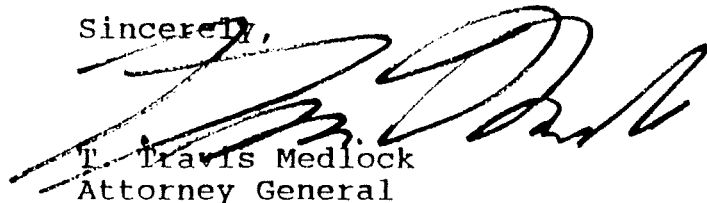
supplement for that experience level for the previous school year. Rock Hill School District teachers at the eighteen and nineteen year levels who have received less than that the sum of the State schedule amount and the prior year's local supplement for those experience levels are entitled to have their salaries increased to that sum of money. [sic.]

The same conclusion would apply to the Charleston County School District situation.

In light of the foregoing, it is our opinion that the "longevity pay increase" paid to the above-described class of teachers would become part of the "local salary supplement" which, according to Section 28.39 of the 1990-91 Appropriations Act, must be maintained at no less than the level of the previous fiscal year. As advised in Opinion No. 87-98 as to the Rock Hill teachers, the above-described class of teachers of the Charleston County School District would, in our opinion, be entitled to have their salaries increased to reflect (at a minimum) the amount of longevity pay in effect in the previous fiscal year.

With kindest regards, I am

Sincerely,



T. Travis Medlock  
Attorney General

TTM/an

Enclosure