



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

August 25, 1987

The Honorable Joe Albo Jr.  
Gila County Attorney  
1400 E. Ash Street  
Globe, Arizona 85501

Re: I87-103 (R87-120)

Dear Mr. Albo:

Pursuant to A.R.S. § 15-253(B) this office has reviewed the opinions expressed in your July 7, 1987 letter to Tom Morgan, Superintendent of the Rice School District No. 20, and concurs with your conclusion that a teacher incorrectly placed on a salary step during the last fiscal year may be placed on the correct step for the new fiscal year. We point out that the correction must be included in the contract for services for fiscal 1987-88.

We also concur with your conclusion that the district may not award "back pay" to that teacher, since the previous year's contract was accepted and completed. Any adjustment after services had been rendered pursuant to a contract, would violate the Arizona Constitution, art. IX, § 7.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN  
Attorney General

BC:TLM:pnw



Gila County Attorney

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Globe, Arizona 85501

(602) 425-3231  
EXT. 298

Joe Albo Jr.

OPINION

R87- 120

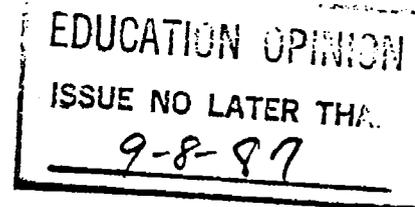
*Martin*  
7/10/87

TO: TOM MORGAN  
Superintendent  
Rice School District No. 20

FROM: CANDYCE B. PARDEE  
Deputy County Attorney

RE: Request for Opinion

DATE: July 7, 1987



You requested an opinion as to whether an employee who was mistakenly kept on the same salary step for two years could be advanced to the correct salary step for fiscal year 1987-88, and whether the employee may be paid the difference in salary between what she was actually paid and what she should have been paid had she been placed on the correct salary step.

The answer to your first question is yes, the employee may be placed on the correct salary step for the new fiscal year. The answer to your second and third questions regarding making up back pay during the 1986-87 year or for the 1985-86 year is no.

Since compensation has already been paid under a valid contract for services which have already been performed, payment of additional monies for these same services would be a gift in violation of Article 9, Section 7 of the Arizona Constitution. See: Op. Atty. Gen. I83-115, I80-027 and I82-137.

A copy of this opinion is being sent to the Attorney General for his review pursuant to A.R.S. §15-253. If no action is taken by that office within 60 days, the opinion will be deemed confirmed.

*Candyce B. Pardee*