

# The Importance of Checking Your Check

*By Heath Merchen  
Associate General Counsel*

With educator pay in Oklahoma sitting below the national average, few teachers in our state can afford to be shorted on their paychecks. Unfortunately, districts often miscalculate years of experience, fail to appropriately calculate extra duty compensation, and sometimes simply add incorrectly. These mistakes, if unnoticed by the employee, can result in substantial underpayments and the amounts involved can be staggering, sometimes topping \$10,000. Fortunately, OEA has taken steps to unearth these errors and our legal staff is well versed in how to recover funds once problems are discovered.

To assist education employees in finding pay discrepancies, OEA recently helped push through [Senate Bill 715](#), which requires districts to provide detailed payroll information to employees. The bill requires districts to delineate each item of pay, separating minimum salary schedule payment, additional salary, benefits and extra duty pay. Districts must also set out how much is paid for each benefit and identify which benefits are paid by the state versus the district.

While the information provided under the bill will hopefully help school employees uncover errors in their pay, it is important to point out that the district may be legally prohibited from simply writing a check if the error occurred prior to the current fiscal year. The employee may need to file what is generally known as a "friendly" lawsuit in which the district agrees to the amount owed and judgment is entered by the court.

Filing this type of suit normally requires retaining an attorney, but for OEA members, legal representation is provided free of charge. This is no small matter, as attorneys' fees range from \$1,000 to \$5,000 for uncontested cases and can easily exceed \$10,000 in contested cases.

Not only can it be expensive, but the process can get even more complex after the court rules. Once judgment is entered, the amount owed plus interest is put on the tax rolls and collected by the district from the taxpayers over a three year period. The district then forwards payment to the employee as the tax dollars are received.

Fortunately, employees may sell or assign the judgment for face value. Local banks or individuals will often offer to buy the judgment since the interest rates earned on judgments are usually higher than what is available from certificates of deposit and many other investments. However, the sale and assignment must be carefully documented to ensure enforceability. Once again, the legal services necessary to document such a transaction are provided free to OEA members.

As with any type of litigation, it is easier to recover amounts owed if it is brought to the attention of our legal staff quickly. Oklahoma's statute of limitations restricts the time period for recovery and evidence to support your claim can become much more difficult

to gather as time passes. So, read your contract and your checks carefully, and call your advocate if you discover a problem. The information provided under SB 715 can empower employees and ensure accurate pay – but only for those who pay careful attention.