

## Keep Documents to Protect Yourself

By Richard Wilkinson  
OEA General Counsel

*Originally printed in the March 2017 issue of The Education Focus.*

As the school year begins to wind down, it is important to remember what school-related and employment documents you should keep in a separately maintained permanent file. School employees often have the mindset that because the school district has copies of these documents, it is unnecessary for the school employee to keep separate copies.

However, it is not uncommon for important documents to get misplaced or even lost, and it is also not uncommon for a school district to resist employee requests for copies of such documents, particularly when there is an employment dispute. Unfortunately, it is also common for school employees to misplace or discard the necessary documentation to verify any claim of disparate pay on a salary schedule, discrepancy in salary or benefit amounts, some other employment dispute with a local school district or a dispute with the Oklahoma Teachers' Retirement System (OTRS) regarding years of experience or contribution amounts.

### Contracts and pay stubs

You should retain your annual employment contract and any related employee information worksheet provided by the school district. These documents will provide an explanation of your years of experience, placement on a salary schedule, fringe benefits, dollar amounts of salary and fringe benefits that are paid in cash, and other important information about your total compensation. You should also annually review your placement on a salary schedule as well as the corresponding compensation that is reflected in your annual contract and any related employee information worksheet.

You should also keep a copy of each payroll document provided to you by the school district for each pay period. You should review your payroll documents to make sure that you are in fact being compensated at the level and in the manner reflected in your annual contract and any related employee information worksheet. Catching mistakes early and in the same fiscal year that an underpayment occurs is critical to resolving those issues without the necessity of formal litigation.

If a mistake is discovered in a subsequent fiscal year, a school district is prohibited from using current fiscal year funds to pay for an obligation created in a prior fiscal year, and litigation is required to obtain a judgment against the school district for any amounts that were not paid in a prior fiscal year. The same is true for payroll mistakes that result in an overpayment to the school employee – it is much easier for a school district to manage those issues as soon as they occur, but particularly during the fiscal year that the overpayment occurs.

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## **Pension documents**

Periodically reviewing your teacher retirement status is also a good practice. Sometimes mistakes occur and required contributions are not made or calculated correctly by a local school district. Mistakes in years of experience and in employment status (full-time or part-time) are also relatively common when reporting information to OTRS. Discovering these problems on the eve of retirement can result in a diminished benefit, or at the very least, significant frustration in resolving the discrepancy between the school district(s) and OTRS.

There are limitations on how far back you can litigate a mistake in contribution amounts paid to OTRS on your behalf, and catching those mistakes as early as possible will help in reaching a favorable resolution of those discrepancies. OTRS welcomes status inquiries from members of the retirement system and recommends periodic review of your status with the system to ensure that any errors can be promptly and efficiently corrected.

You should check your status with OTRS at least every five years (particularly if you have worked in multiple school districts) to verify that proper contributions have been/are being made and that you are credited with the proper years of service. Maintaining your employment and financial records from the school district(s) can also help verify employment status and contribution amounts to OTRS in the event those records no longer exist at the local district level.

## **Evaluations and portfolio**

Finally, you should keep all copies of your evaluations, any plans for improvement or personal development plans, as well as your responses and any follow-up documentation to those plans. With the new evaluation system now in place, it is recommended that you also keep any responses and other evaluative documentation so that you can effectively question and correct an erroneous evaluation and/or protect yourself from any adverse employment action that is based on a defective evaluative process.

These documents are becoming more and more difficult to obtain from school districts in a timely fashion when adverse employment action does occur, and it is important that you separately retain complete copies of all evaluation-related documents so that you can properly respond or assess any recommendation for adverse employment action.

You have a right to all the documents mentioned above, and school districts are required to provide these documents to you. Even though these documents will be kept by a school district in a personnel and/or payroll file, it is important that you also keep complete copies of these documents. You can avoid the frustration of trying to verify any disputed salary placement, fringe benefits or retirement contributions if you have kept complete copies of these documents.

Your OEA Regional Advocacy UniServ Specialist can assist you with deciphering any of these documents and can also arrange for a "How to Read Your Paycheck" training for your local to assist new (and veteran) employees in understanding their paychecks and in verifying accuracy of salary placement, fringe benefit calculations and retirement contributions.