

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC PENSIONS - GEORGIA

Gold v. Dekalb County School District

Court of Appeals of Georgia - June 1, 2018 - S.E.2d - 2018 WL 2454932

County school district employees brought action against district and board of education for breaching an agreement to provide two years' advance notice prior to suspending contributions to their tax shelter annuity plan accounts.

After the denial of district's motion to dismiss was affirmed in part and reversed in part on appeal and after the denial of employees' class certification motion was affirmed on appeal, the trial court granted summary judgment to district and board. Employees appealed.

The Court of Appeals held that employees were contractually entitled to two years' notice before district suspended contributions.

School district employees were contractually entitled to two years' notice before district suspended contributions to tax shelter annuity plan accounts, and thus district breached contract by not providing required notice; even though plan documents did not give employees right to notice, board of education added two-year notice provision as legislative enactment, which became part of employees' contract of employment, and provision was substantive.