

SUPREME COURT OF RHODE ISLAND

Murray v. McWalters

868 A.2d 659 (R.I. 2005) · No. No. 2004-107-Appeal · Decided March 16, 2005

SUMMARY

The Supreme Court of Rhode Island affirmed summary judgment for the Rhode Island Department of Elementary and Secondary Education and related defendants in a dispute over merit pay increases and longevity payments. The court held that the agency’s regulation, which counted longevity pay when determining whether an employee’s total salary exceeded the maximum pay grade, did not conflict with the governing statute. The court concluded that the plaintiff had received all longevity pay to which she was entitled and that her constitutional claims therefore could not proceed.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Per curiam; Williams, C.J.; Goldberg, J.; Flaherty, J.; Robinson, J.
JURISDICTION	Rhode Island
DECIDED	March 16, 2005
DOCKET	No. 2004-107-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Murray appealed from the Superior Court's grant of summary judgment for the defendants in her action seeking declaratory and injunctive relief under 42 U.S.C. §§ 1983 and 1988.
STANDARD OF REVIEW	The court reviewed summary judgment de novo, applying the same standard as the trial court. Summary judgment is proper when no genuine issue of material fact remains and the moving party is entitled to judgment as a matter of law. The court also accorded great deference to the agency's interpretation of a statute whose administration and enforcement had been entrusted to it.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kathleen Murray v. Peter McWalters, in his capacity as Commissioner of the Rhode Island Department of Elementary and Secondary Education, Rhode Island Board of Regents for Elementary and Secondary Education, Rhode Island Department of Elementary and Secondary Education

TOPICS

judicial review of agency action

administrative law

statutory interpretation

employment law

section 1983

PRACTICE AREAS

administrative law

employment law

civil rights

QUESTIONS PRESENTED

1. Whether RIDE personnel regulation § 4.01 conflicted with G.L. 1956 § 16-60-7.2(a), which provides for a five-percent longevity payment and states that longevity payments shall not be included in base salary.
2. Whether Murray was legally entitled to merit pay increases because § 4.01 stated that eligible employees who demonstrated satisfactory performance would receive an increase.
3. Whether the defendants' application of § 4.01 deprived Murray of a constitutional entitlement cognizable under 42 U.S.C. §§ 1983 and 1988.

HOLDINGS

1. Regulation § 4.01 did not conflict with § 16-60-7.2(a). The statute prohibits including longevity payments in base salary, while the regulation permissibly used longevity pay in calculating total compensation for purposes of the pay-grade maximum.
2. Murray was not entitled to automatic merit pay increases merely because § 4.01 stated that eligible employees who demonstrated satisfactory performance "will receive an increase." The regulation also provided that salaries could not exceed the maximum of the pay grade and that there would be no automatic pay increases.
3. The defendants did not deprive Murray of a constitutional entitlement because she received the longevity pay required by statute and had no enforceable entitlement to the disputed merit increases.

KEY QUOTATIONS

"The statute merely requires that longevity payments not be included in base salary." (663)

"Accordingly, giving appropriate deference to the board and in light of the commissioner's plenary authority over salaries, we conclude that there is no conflict between § 4.01 and § 16-60-7.2(a)." (664)

FACTUAL BACKGROUND

Kathleen Murray was a part-time, nonclassified, nonunion RIDE hearing officer and legal counsel who had worked for the state since 1983. She received a statutory longevity payment equal to five percent of base pay after more than ten years of service. Although her supervisor recommended merit increases for the 1998-1999 and 1999-2000 salary years, RIDE withheld or reduced those increases because including longevity pay in her total salary calculation would have placed her above the maximum of her pay grade; Murray nevertheless continued to receive her longevity payment.

PROCEDURAL HISTORY

Murray sued RIDE officials and the Board of Regents, alleging that a personnel regulation unlawfully deprived her of merit pay increases. On cross-motions for summary judgment, the Superior Court ruled for the defendants, finding no conflict between the regulation and the governing longevity-pay statute. The Supreme Court of Rhode Island affirmed and remanded the record to the Superior Court.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record shall be remanded to the Superior Court.

CASES CITED

- Oyola v. Burgos, 864 A.2d 624, 627 (R.I. 2005)
- Taylor v. Mass. Flora Realty Inc., 840 A.2d 1126, 1129 (R.I. 2004)
- In re Lallo, 768 A.2d 921, 926 (R.I. 2001)
- Pawtucket Power Associates Limited Partnership v. City of Pawtucket, 622 A.2d 452, 456-57 (R.I. 1993)