

**County Commissioners Cannot Implement Pay Increase
Without Approval of Salary Board**

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In Luzerne County Board of Commissioners v. Flood, (Controller of Luzerne County), 874 A.2d 687 (Pa. Commw. 2005), the Commonwealth Court reversed a trial court's determination that the Luzerne County Board of Commissioners had authority to increase the pay of county employees without approval of the Salary Board.

The County Commissioners of Luzerne County voted to increase the pay of county management employees by 3%. The County Controller brought an action alleging that the pay increase was invalid because it had not been approved by the Salary Board. The commissioners argued that the pay increase was within their power to manage and administer the fiscal affairs of county government pursuant to Section 1701 of the County Code. The trial court agreed with the Commissioners and ordered the Controller to release the necessary funds. The Controller appealed to the Commonwealth Court.

The Commonwealth Court disagreed, holding instead that the County Code clearly gives the authority to set rates of pay to the County Salary Board, even though the legislative function of appropriating funds properly rests with the Board of Commissioners.