

NEWS RELEASE: CLARK COUNTY ASSOCIATION OF SCHOOL ADMINISTRATORS AND PROFESSIONAL-TECHNICAL EMPLOYEES

SUPERINTENDENT AND BOARD FILE LEGAL ACTION TO DISBAND CCASAPE

In a stunning and transparent display of retaliatory behavior, Superintendent Rulffes and the Clark County Board of School Trustees filed a complaint with the Employee Management Relations Board on Thursday, May 6, 2010, to withdraw recognition (disband) the Clark County Association of School Administrators and Professional-technical Employees. CCASAPE, formerly CCASA, has been the recognized bargaining unit for school based and central office administrators for the past 40 years. In 2004, the Board asked CCASA to represent a new class of District employees identified as Professional-technical Employees. The District asked CCASA to represent this new class of employees because the District believed that their community of interests were more closely aligned with the CCASAPE bargaining group as opposed to their current representation by the support staff employee organization. CCASA agreed, and as a result, CCASA became CCASAPE. As of May 13, 2010, CCASAPE represents 1307 of 1327 administrators in the CCSD. For years CCASAPE membership has been at 98% of all eligible administrators. The 1327 figure includes the 10 attorneys in the CCSD Legal Office, who by Nevada Revised Statutes are defined as administrators, but have never joined or been represented by the Association.

CCASAPE believes the decision of the Board of Trustees to take this retaliatory action against CCASAPE is motivated by Superintendent Rulffes and is the direct result of CCASAPE's repeated public expressions of concern regarding issues related to Superintendent and Board decision making. These issues include: the special perks worth hundreds of thousands of dollars contained in the Superintendent's contract; the exposure of the superintendent's notion of "shared sacrifice" as hollow and disingenuous; the special perks negotiated for confidential employees worth well over a hundred thousand dollars; preferential treatment for the teachers union through the payment of teacher PERS, in violation of state law, at a cost of \$10.4 million dollars over the biennium while requiring each of the other bargaining groups to pay its own PERS increase; the .5% unilateral salary reduction imposed by Superintendent Rulffes on

CCASAPE, POA, and ESEA; and the reduction in force of 89 school based administrators. Additionally, CCASAPE has repeatedly expressed concern regarding the lack of leadership from the Superintendent and since he has announced his retirement effective August 30, 2010, CCASAPE has called for him to step down immediately and that the Board appoint an interim superintendent.

Because of the aforementioned issues, negotiations between CCASAPE and the District for the 2009-2010 and the 2010-2011 contracts have been contentious. The Board and Superintendent Rulffes have not been happy with CCASAPE's public position on these issues. CCASAPE, however, believes that District employees and the public have a right to know about decisions that involve the spending of tax payer money. This strained relationship between CCASAPE and Superintendent Rulffes began in October, 2008, when CCASAPE refused to be the only bargaining group to take a one-day furlough simply because as Superintendent Rulffes stated, he wanted to throw certain politicians in the Nevada Legislature "a bone." CCASAPE said no to this bone because there was no budget shortfall at the time and no reason for CCASAPE to take a furlough day except to satisfy the ego need of the Superintendent, who said to some Nevada legislators that he would deliver a furlough day from his administrators!

Over the past four months, CCASAPE has been outspoken regarding the issues outlined above and has been critical of Board and Superintendent decision making, especially related to their stewardship responsibilities for tax payer funds. In this regard, CCASAPE has become a whistle blower. CCASAPE believes that the Superintendent and the Board have been poor stewards of District funds and ultimately the taxpayer dollar. CCASAPE has illustrated there is a direct relationship between these poor Board spending decisions and the current, as well as future budget shortfalls. In fairness, CCASAPE also believes that the Board is not provided with sufficient information from the Superintendent to make informed decisions. However, when employees are asked to take salary reductions to help fix a budget deficit of millions of dollars, created in part by poor Board spending decisions, then it is incumbent upon CCASAPE leadership to insist that the Board be more responsible with its spending of District and

taxpayer funds and that the Board and Superintendent understand there is a cause and effect relationship between their spending and the budget shortfall. The Board must hold the Superintendent more accountable in providing appropriate and necessary information for their financial decision making. It is clear that the Board and Superintendent Rulffes feel they are immune from the consequences of their spending decisions. It is also clear that Superintendent Rulffes and the Board want to be excluded from the criticism from CCASAPE by taking legal action to no longer recognize CCASAPE as the collective bargaining representative. It is clear the Superintendent and Board wish to squelch CCASAPE's criticism of their decision making and to intimidate the Association and silence Association leaders on these critical issues. This action is blatantly retaliatory.

This Board action to disband CCASAPE is yet another example of misspending taxpayer money, as Superintendent Rulffes has now hired an expensive national law firm to represent the Board. It does not appear that the Board even knew that an outside law firm was being hired to represent the Board in the complaint against CCASAPE, nor did the Board authorize the superintendent to file the complaint on its behalf. This is akin to the Board not knowing the costs associated with their approval of the employment contracts for confidential employees. Why? Because they do not get sufficient information from Superintendent Rulffes. Considering that this action to disband CCASAPE is taken in the midst of contract negotiations, it is very clear that the Board and Superintendent do not bargain in good faith, as is required by law.

As listed above, and outlined here in more detail, these inappropriate spending decisions include the special financial perks contained in the Superintendent's employment agreement including the purchase of two full years of PERS credit at a cost of approximately \$150,000. The PERS credit was purchased by the Board as an incentive for the Superintendent. However, no performance goals related to the financial incentive were specified in his employment contract. Additionally, the Superintendent negotiated, and the Board approved, the sell back of 60 days of sick leave at separation at his daily rate of pay of \$1,240 (\$74,400) as well as the negotiation of an additional 20 days of vacation that the superintendent can sell back each year at his daily

rate of pay of \$1,240 (\$24,800). These 20 vacation days are in addition to the 85 days which the superintendent will sell back to the District at separation at his daily rate of pay of \$1,240, for a total vacation payout at separation of \$130,200. The vacation and sick leave payouts provided to Superintendent Rulffes when he separates from the District this coming August will be in excess of \$204,000. CCASAPE believes the Board has been overly generous with the taxpayer's money. Considering that the District has cut hundreds of millions of dollars from its general fund budget over the last two years and has eliminated the positions of hundreds of employees, the Board decision to approve a benefit package for Superintendent Rulffes of this magnitude is tantamount to financial malfeasance. CCASAPE believes that the taxpayers of Clark County are entitled to know how their money is being spent.

CCASAPE has repeatedly expressed concern with the Superintendent's disingenuous and hollow notion of "shared sacrifice." The February / March edition of the CCASAPE newsletter contained a full page devoted to what "shared sacrifice" really means to Superintendent Rulffes. What "shared sacrifice" really means is that certain employee groups and certain employees receive special treatment that no other employee receives and it occurs in the midst of hundreds of employees losing their jobs, over \$250 million being cut from the budget, schools being staffed at 97% and three employee groups having a .5% unilateral salary reduction imposed by the Superintendent.

CCASAPE has also raised issue with the Superintendent and Board regarding the approval of the special perks for the five confidential employees, including an extraordinarily rich sick leave benefit at separation that results in one day of base pay for every five days of accumulated sick leave, providing the Chief Human Resources Officer, Martha Tittle, with a benefit at retirement in excess of \$43,000, and the Deputy Superintendent of Instruction, Lauren Kohut-Rost with benefit in excess of \$36,000. These and other special perks were provided in a year when the District laid off hundreds of support staff employees, staffed schools at 97%, cut over \$120 million from the budget and unilaterally imposed a .5% salary reduction on ESEA, POA, and CCASAPE.

CCASAPE has expressed its concern over the payment of PERS by the District for the teachers union in violation of the state law which requires that any PERS increase be evenly shared between employee and employer. A .5% unilateral salary reduction was imposed outside of the collective bargaining process on CCASAPE, POA, and ESEA to cover each of their share of the employee PERS increase, while \$5.2 million dollars was paid to cover the teacher share of the PERS increase. The \$5.2 million becomes \$10.4 million over the two year biennium and is a significant factor in the creation of the budget shortfall in which the District finds itself, and in which the three remaining bargaining groups are now being asked to cover.

In spite of Superintendent Rulffes' action through the Board to disband CCASAPE, the administrators' association remains committed to the concept of "shared sacrifice," and is continuing to meet with the Superintendent in an effort to bring closure to the negotiations process by proposing a salary reduction for all administrative employees to cover the administrators' share of the budget shortfall.