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BUDGET WOES: Rulffes aides' sacrifice urged

Union wants new contracts, perks rescinded

By JAMES HAUG
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A union representing Clark County School District administrators is asking the School Board to rescind contracts for the five most highly paid employees who report to Superintendent Walt Rulffes.

The Clark County Association of School Administrators and Professional-technical Employees noted that the new perks and benefits awarded to the five top-level employees will cost more than \$100,000 at a time other employees are being asked to make a "shared sacrifice" because of the economic crisis facing state and local governments. Gov. Jim Gibbons has called a special session to deal with an \$887 million state budget shortfall that's almost certain to result in cuts to public education.

The union is also alleging possible unfair labor practices and open meeting law violations because of the way the contracts were approved.

The Clark County School Board voted on the contracts at a midday workshop on Oct. 7. The union argues that the vote on two-year contract extensions wasn't properly posted for Charlene Green, deputy superintendent of support services; Bill Hoffman, district general counsel; Lauren Kohut-Rost, deputy superintendent of instruction; Martha Tittle, chief human resources officer; and Jeff Weiler, chief financial officer.

"They put their hands in the cookie jar when they shouldn't have," said Stephen Augspurger, executive director of the union that represents district administrators.

The new perks include five extra vacation days for each of the five employees and the option for them to be paid for 10 unused vacation days each year. The five employees also are now entitled to one day of regular pay for every five days of accumulated sick time upon resignation or retirement, which is a five-figure perk for some of the individuals involved.

Augspurger said Rulffes has already refused to rescind the contracts. In a letter sent this week to the School Board, Augspurger wrote, "In doing so, (he) has sent a powerful and demoralizing message to all other employees of the Clark County School District."

"It's clear that 'shared sacrifice' does not apply to all employees," Augspurger said.

School Board President Terri Janison was not persuaded by his arguments.

She said Augspurger's letter is a "bit of gamesmanship on the part of the administrators. I think

it's a wrong time to be playing games."

Noting these contracts were passed months ago, Rulffes said Augspurger was highlighting the issue now to gain "leverage" for a pay raise for union members.

Augspurger denied the assertion as "absolutely untrue. We know there is no new money coming from the Legislature. This is simply a fairness issue."

The superintendent earned \$307,632 in 2008-2009. He has said he is taking a 10 percent cut this year in recognition of the hard economic times. The district has absorbed \$250 million in budget cuts over the past three years. As a result, it has laid off hundreds of non-licensed workers, staffed schools at 97 percent of projected enrollment, reduced course offerings and slashed employee benefits, such as early retirement incentives and health care reimbursement accounts.

Rulffes also cited perks and benefits that some administrators get but executive employees don't, such as: a travel stipend of \$2,000 a year for those who live more than 40 miles from work, up to 20 days of compensation time and an extra \$3,000 for principals working at year-round schools.

Noting that the five executive employees in question have agreed to one furlough day as part of their contracts, the superintendent also contends that the administrators union is the only employee group in the district to not make "sacrifices, even in the face of layoffs."

The union argues that its membership took a half-percent cut in salary to cover a corresponding increase in contributions to the Public Employees Retirement System. Rulffes said that was not a sacrifice because it was required by state law.

Augspurger noted that the district did pay \$5.2 million to cover the same PERS increase for teachers while refusing to spend \$500,000 to cover the increase for school administrators.

Augspurger said an arbitrator has already sided with the association in the PERS dispute, but the district is challenging the decision in court. If the union is ultimately successful in getting the PERS increase paid by the district, the five executive employees will not have to take their furlough day, according to the conditions of the contracts now in dispute.

Augspurger is also asking the School Board to review the contracts to see if they are consistent with what was approved. He said that the minutes of the Oct. 7 meeting do not mention an additional vacation benefit and payment of a half-percent increase in Public Employee Retirement System contributions.

Rulffes said those benefits were negotiated prior to the meeting. The district also maintains that "employee relations" agenda item number 3.06, for the Oct. 7 workshop, was sufficient public notice for a vote on contracts. It stated: "Discussion and possible action regarding negotiations or informal discussions with management representatives regarding collective bargaining with employee organizations and/or individual employees, including contract discussions for salary and benefits" for the five employees, who were only identified by their job titles.

It also stated the School Board could go into closed session. After the Oct. 7 closed session, School Board member Carolyn Edwards read into the record the changes regarding the five employees' furlough days and sick leave. The board voted 6-0, with School Board member Chris Garvey absent.

Because of the new perks in the contracts, Augspurger said the five employees involved were hardly "stepping up to the plate." Because the five employees are considered "confidential employees," they cannot belong to a union. Confidential employees are those in management who help determine district positions that are used in labor negotiations.

Under district policy and state law, however, their benefits and pay are supposed to be consistent with what union members receive.

While Rulffes responded that this argument over consistency has not stood up in the courts, union officials note the five employees' benefits will far exceed what their membership gets. Those five employees, for instance, will be compensated at a much more generous rate for their unused sick days.

Regular administrators are only entitled to \$10 a day for up to 250 days of unused sick time when they resign or retire. The most they could get is \$2,500, depending on what's available in a trust fund set up by the union. The \$10 per unused sick day is a benefit paid by the union and not the district.

Under the terms of the new contracts, the five confidential employees will get one day of regular pay for every five days of accumulated sick time. That means Tittle could get about \$43,365.78 because she now has 395.5 days of unused sick time, according to the union. That translates to 79.1 days of compensation, multiplied by \$548.24, her daily rate of pay.

For Kohut-Rost, the benefit translates to about \$36,120.99, based on her having 299 unused sick days and a daily pay rate of \$604.13, the union said.

Hoffman would get \$18,135.99 based on having 145.5 unused sick days and a daily rate of pay of \$623.23, according to the union.

Rulffes, however, said their sick time benefits would be wiped out if those employees actually became ill and had to use their accumulated days. Others do not have as much sick time.

Weiler would get \$4,860.95 based on having 43.5 unused sick days and a daily pay rate of \$558.73, the union said, and Green would get \$845.96 based on having 7.5 sick days and a daily rate of \$563.97.

Because of ambiguity in the contract language, it's unclear whether the money from the redemption of sick days is in addition to, or on top of, other benefits.

For example, the contract for Green states: "Upon termination of service, employee will be compensated at the employee's daily rate of pay at the rate of one day of pay for each of the five days of accumulated sick leave, and may elect to have the District purchase a health reimbursement account of the employee's choosing or purchase PERS credit. Employee may not participate in any other form of payment for unused sick leave."

District spokeswoman Cynthia Sell said the employees would have the option to choose money for a health plan, credit for PERS or simply cash out.

Under the new contracts, the five administrative employees are also getting five extra vacation days and the option to be paid for 10 unused vacation days each year. So the five employees could supplement their salaries with about \$2,700 to \$3,100 extra a year, based on their rate of pay.

Other district administrators have the option only of purchasing a maximum of five vacation days, if they have more than 85 days of vacation accrued.

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