

# **PRESENTATION TO THE NEVADA STATE BOARD OF EDUCATION**

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**6.3.21**



# ESEA – WHO WE ARE

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- The Education Support Employees Association (ESEA) is the recognized bargaining agent of education support professionals (ESPs) in Clark County, Nevada's public schools.
- ESEA is the largest ESP local in the United States and is a full-service employee association.
- ESEA is an affiliate of the Nevada State Education Association (NSEA) and the National Education Association (NEA), the largest national association representing education employees in the United States.
- Education support professionals perform a wide range of essential work, including child nutrition services, instructional assistance and para-educator services, maintenance and operations, library and media assistance, education office services, student transportation, and technology services.



# ESEA AND TEAMSTERS

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- In 2019, ESEA and the Teamsters agreed to jointly represent ESPs in the Clark County School District with the goal of splitting the existing bargaining unit into two separate bargaining units in the future.
- ESEA remains the bargaining agent for all ESPs in Clark County until that time in collaboration with the Teamsters.
- The Teamsters provide direct representation for disciplinary matters and grievances for certain job categories, including transportation and service and operations workers.

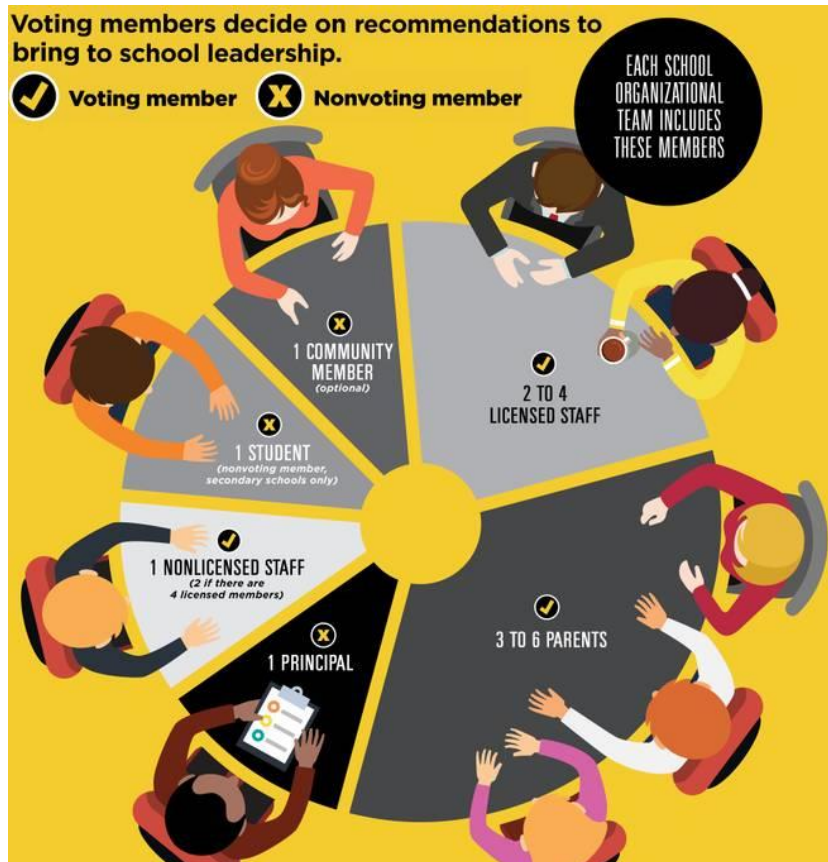
# CCSD REORGANIZATION

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- ESEA has consistently raised concerns about the impact of the reorganization of the Clark County School District on education support professionals, including the impact on central services, budget decisions, collective bargaining, and governance.
- ESEA establishes the process for nominating and electing members of school organizational teams representing education support professionals at each school precinct.
- As the collective bargaining agent, ESEA has engaged in defending and enforcing contract language regarding surplus reassignment and reduction in force.



# ORGANIZATIONAL TEAMS



- While education support professionals are afforded 1-2 members of school organizational teams, these positions are often difficult to fill.
- ESPs are the lowest paid employees in CCSD, starting around \$11/hr at the lower end of the pay scale. Many work less than 40 hours/week. Serving on SOT is not compensated, and many ESPs can't afford to attend meetings after their work hours.
- ESPs on school organizing teams report concerns about an uneven power dynamic between ESPs, teachers, and school administrators. Many ESPs do not feel comfortable opposing their administrators on their SOT for fear of retaliation.

# ESP REASSIGNMENT

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- ESEA and CCSD have negotiated 7 pages of contract language related to employee reassignments in surplus situations or a reduction in force. This allows the district to determine appropriate staffing levels, while providing a fair process for impacted employees.
- In the Fall of 2020, CCSD began requiring education support professionals to interview with a school principal as a part of the surplus process, impacting over 50 ESPs.
- Several ESPs were rejected for a lateral position through no fault of their own, at an individual principal's discretion. This created an untenable situation for these workers, who were still technically employed, but without a position.
- Serious questions of racial bias were raised during this new surplus process.

**Negotiated Agreement**  
**between the**  
**Clark County School District**  
**and the**  
**Education Support Employees Association**



# EMRB AND DISTRICT COURT

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- A December order issued by the Government Employee-Management Relations Board (EMRB) rejected various arguments regarding the authority held by principals in a surplus or RIF situation. After this order, CCSD suspended this new surplus process.
- In May, the District Court granted motions to dismiss a petition by the Clark County Association of School Administrators over the interpretation of principals' absolute right to select teachers for their schools irrespective of other statutory provisions and/or collective bargaining agreement restrictions.



# ESP REASSIGNMENT

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- AB 469 was not intended to affect collective bargaining and both the EMRB and the District Court have found that NRS 288 can be read in harmony with AB 469.
- Both the EMRB and the District Court have found that the “selection authority” transferred to Local School Precincts was transferred with the existing limitations related to collective bargaining agreements.
- Neither the EMRB nor any court have endorsed the interpretation that AB 469 abrogates the collectively bargained rights of ESP’s in a surplus or RIF situation.
- Other interpretations of AB 469 open the door to staffing decision made in violation of state and federal employment discrimination laws.
- ESEA’s collectively bargained process establishes objective standards based on qualifications and seniority.