

**MEMORANDUM OF AGREEMENT BETWEEN CLARK COUNTY  
SCHOOL DISTRICT AND EDUCATION SUPPORT EMPLOYEES  
ASSOCIATION REGARDING AB 469**

This Memorandum of Agreement ("Agreement") is made between and entered into by the Clark County School District ("CCSD" or the "District") and the Education Support Employees Association ("ESEA"), individually referred to as a "Party" or collectively referred to as the "Parties".

**WHEREAS**, CCSD and ESEA are parties to a collectively bargained Negotiated Agreement, effective July 1, 2021 ("Negotiated Agreement");

**WHEREAS**, ESEA is the recognized, exclusive bargaining agent for the bargaining unit consisting of all education support professionals employed by CCSD (hereinafter "Support Employees");

**WHEREAS**, the Clark County Education Association ("CCEA") is the recognized, exclusive bargaining agent for the bargaining unit consisting of all personnel licensed by the Nevada Department of Education employed or to be employed by CCSD, excluding those paid on the Unified Administrative Salary Schedule;

**WHEREAS**, the Clark County Association of School Administrators and Professional-Technical Employees ("CCASAPE") is the recognized, exclusive bargaining agent for the bargaining unit consisting of all administrators employed by CCSD, excepting those excluded by NRS Chapter 288;

**WHEREAS**, in 2017 the Nevada Legislature enacted AB 469, which has been codified at NRS 388G.500 – 388G.810 ("AB 469");

**WHEREAS**, NRS 388G.610(2)(c) provides that CCSD's Superintendent shall transfer to each local school precinct the authority select "other staff who work under the direct supervision of the principal";

**WHEREAS**, "other staff who work under the direct supervision of the principal," includes certain Support Employees;

**WHEREAS**, NRS 388G.610(3)(a) provides that CCSD is responsible for negotiating the salaries, benefits and other conditions of employment of administrators, teachers and "other staff" necessary for the operation of the local school precinct;

**WHEREAS**, "other staff necessary for the operation of the local school precinct" includes certain Support Employees, including Support Employees "who work under the direct supervision of the principal" of the local school precinct;

**WHEREAS**, disputes have arisen among ESEA, CCEA, CCASAPE and CCSD regarding the proper interpretation and application of various aspects of AB 469;

**WHEREAS**, as of the effective date of the Negotiated Agreement and this Agreement, ESEA, CCEA, CCASAPE and CCSD are parties to ongoing litigation before Nevada's

Government Employee-Management Relations Board ("EMRB") and in Nevada courts to resolve the disputes regarding the proper interpretation and application of various aspects of AB 469;

WHEREAS, in addressing one such dispute, the EMRB has held:

*The transfer of authority to select teachers and other personnel for a local school precinct is best understood as a consideration in bargaining mandatory subjects – the right of selection in NRS 388G.610(2)(a), as explained throughout NRS 388G, when bargaining mandatory subjects cannot be disregarded.*

(Emphasis added).

WHEREAS, ESEA, CCSD and CCASAPE participated in multi-lateral negotiations in an attempt to resolve their disputes regarding the proper interpretation and application of various aspects of AB 469, but those negotiations were unsuccessful; and,

WHEREAS, ESEA and CCSD thereafter continued bilateral negotiations;

NOW THEREFORE, the Parties agree to the following:

Article 38 of the Negotiated Agreement (Term of Agreement) will be renumbered as Article 39, and the below language is hereby inserted into the Negotiated Agreement as Article 38:

#### ARTICLE 38

##### AB 469

- 38-1 In 2017 the Nevada Legislature enacted AB 469, which has been codified at NRS 388G.500 – 388G.810 ("AB 469"). NRS 388G.610(2)(c) provides that the Superintendent shall transfer to each local school precinct the authority to select "other staff who work under the direct supervision of the principal." But NRS 388G.610(3)(a) provides that CCSD remains responsible for negotiating the salaries, benefits and other conditions of employment for "other staff necessary for the operation of the local school precinct." "Other staff who work under the direct supervision of the principal" and "other staff necessary for the operation of the local school precinct" both include Employees covered by this Agreement.
- 38-2 As of the effective date of this Agreement, ESEA, CCSD and other parties are involved in litigation before Nevada's Government Employee-Management Relations Board ("EMRB") and in Nevada courts to resolve the disputes regarding the proper interpretation and application of various aspects of AB 469. In one such dispute, the EMRB has held that AB 469 must be considered and "cannot be disregarded" when ESEA and CCSD engage in collective bargaining.
- 38-3 ESEA and CCSD have engaged in extensive bargaining regarding AB 469. Although ESEA and CCSD agree that AB 469 applies to their collective bargaining relationship and certain provisions of this Agreement, the litigation pending before the EMRB and in Nevada courts has prevented the parties from agreeing upon the extent of AB 469's effect on this Agreement and their bargaining relationship.

38-4 In the event any provision of this Agreement is rendered unlawful as a result of new legislation enacted by the Nevada Legislature, the litigation pending before the EMRB or in Nevada courts, or by the decision of another court of competent jurisdiction, the Association and the District agree to immediately implement the procedures of Article 29-1 of this Agreement.


Education Support Employees Association      Clark County School District

  
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Jan Giles  
President


7-21-2022  
Date


  
\_\_\_\_\_  
Brian Lee  
Executive Director

7-21-22  
Date

  
\_\_\_\_\_  
Dr. Jesus F. Jara  
Superintendent of Schools

7-19-22  
Date

  
\_\_\_\_\_  
Irene Cepeda  
Board of Trustees, President

  
\_\_\_\_\_  
Lola Brooks  
Board of Trustees, Clerk

7/14/22  
Date