

Bylaw Committee Questions.

Question 1

Good Morning

I am an ARC Representative for Sandy Miller ES. Can someone give me the background and/or history on where we were and why we need to make this change?

Thank You

he second and third documents are proposed bylaw changes. The first bylaw essentially requires a membership of 13,000 before the Vice President position can be a full time paid release position. This bylaw was submitted by 277 members representing 23 schools. The CCEA Bylaw Committee has passed a motion that this bylaw cannot be amended and the Committee has recommended this bylaw change for approval. The CCEA Executive Board concurs with this recommendation. Approval requires 60% of those voting members of the ARC.

The second Bylaw change is submitted by the Bylaw Committee updating the document to reflect CCEA practices.

Terry L. Loomis M. Ed
Early Childhood Special Education
Inclusive Class
Sandy Miller Elementary School
(702) 799-8830 x 3001

Answer:

Rationale by Maker is the answer:

We have been the only union of our size to have two full time release officers at the cost of \$145,000 (pay and benefits) each in the nation. The duties of the office do not warrant such a costly fulltime position. At a time when we have asked members to sacrifice the last two years to pay more in dues we must be fiscally responsible and limit our expenses. Our member's dues dollars must be directed to improving our union and the drive to fully fund public education in Nevada.

Bylaw Committee Questions.

Question 2

Why are we holding an online vote when the bylaw sent to us last month through email was the incorrect bylaw?

Matthew Buckingham

Answer:

The Bylaws Committee made changes in collaboration with the maker of the amendment. The changes are editorial and make more sense for the structure of the section allowing for the retention of the Term of Office. Had we been able to meet in person the maker would have proposed the structural/editorial changes on the floor.

Bylaw Committee

Jessica Jones Hickey ES

Motion

I want to put in a motion that we have an open roll call vote.

We visually see the votes in person when we're at ARC. I think we should see the votes online.

Do I need to fill out a form or is this sufficient as we're all quarantined?

Response:

Jessica,

The CCEA Board structured this month's meeting based on Parliamentarian Paula Petruso's findings based on Roberts Rules of Order, the Governor's Directive on no meetings larger than 10 people and the CCEA Bylaws. There will be no motions accepted for this meeting. The motions presented will be sent to all voting members of the ARC and they have the opportunity to vote them up or down.

Vikki Courtney, CCEA President

Jessica Jones

Our votes are open roll call. will this vote be open rollcall without a motion?

Answer:

Just as we do at ARC meetings, all voting members who participate in the vote establish the number of voting members for the meeting.

Statement:

Jessica Jones, Hickey Elementary School

All three of the Hickey ES school AR representatives want to see full-time representation for the 2020-2021 school year so we are voting no on this proposed bylaw amendment and urge other AR representatives to do the same.

If CCEA wants to grow and continue to be the education hub in Southern Nevada we need more educator representation, not less. How are we going to do that with only one educator representing us full-time in the CCEA building? By taking away the full-time vice president position you take away half of CCEA educator's voices as we approach the 2021 Nevada Legislative Session.

We're at the beginning of a recession with speculated budget cuts across the board. The legislatures in Nevada during the 2021 session will not be interested in what staff members or hired lobbyists have to say as much as an actual educator with knowledge of the working conditions and day-to-day life in the classroom with children. We need more educator representation in CCEA and taking away the full-time vice president position, someone that is an advocate and expert, is nothing but a disservice to all CCEA members and educators in Clark County.

Ultimately we believe that this will weaken our union because we'll only have one full-time educator representing us. The president and vice president of CCEA should be on the front line fighting for us next year in the legislative session when we know getting any funding or keeping funding at its current levels is going to be a struggle. Removing the full-time vice president position could have devastating results for our organization when it comes to lobbying and fighting for funding in the upcoming year.

Thank you.

Dear ARC Members,

I am speaking against the bylaw amendment which seeks to eliminate the Vice President position as full time release. I would first like to address the petitioner's concerns individually.

Salary

According to our bylaws, the salary of the Vice President is the highest step on column 5 of the salary schedule which is \$76,427 plus benefits. The number of \$145,000 which was submitted with initial petition is not accurate. This would represent approximately an additional 89.7% (\$68,573) in benefits. The actual salary with benefits for the V.P. is approximately \$130,000, which represents approximately \$1.06 per member per month based on 10,200 members. To put this in perspective, we have several paid staff members with higher salaries and we currently send the equivalent of **full dues of 808 (\$57,000) or \$5.58 per member each month to the NEA pension fund.**

The reason why we are the only union of our size with 2 full time release members is because we are the only **independent** union of our size. All other unions of our size have state and national affiliations who have members representing them as well.

Better use of member dues

I feel the best use of member dues is to benefit members. One of the best way to benefit members is to have more members representing us in our schools and at public functions. I know when we have a repressive at our school to cultivate relationships and disseminate crucial information, I would rather have a fellow member than a paid staffer selling movie tickets. I want someone who can genially relate to empathize with my situation and my needs because they've been there. I also understand that the V.P. can receive a buyout on a day-to-day basis as needed, but this would result in the need for substitute teacher which mean the V.P's students would be without a qualified teacher in the classroom.

The benefit addressing the payment of copays mentioned in the petitioner's statement is expensive and a great benefit. Luckily this benefit, which has already been announced to the ARC as a possibility already has a funding source identified by the Executive Director. Our Executive Director has identified \$500,000 in unallocated funds from his successful efforts to renegotiate contracts with our vendor partners.

In closing, the position of V.P. is vital. How can we expect one elected member to represent member's (10,200) needs in over 330 schools? CCEA needs to be the V.P.s full time job and garner their full-time focus. Students in the classroom should never have to suffer because our V.P. needs represent us. We need a V.P. that can meet with members, legislators and represent us at conferences, all which need to take place during contract hours. We need to strengthen our organization by investing in ourselves and our elected leaders.

For all these reasons, I ask that you please vote against this bylaws amendment and insist that we fund our V.P. position according to our constitution.

Sincerely,

Matthew Kranz

CCEA Executive Board Member

CCEA Budget Committee Member

Dear CCEA Association Representative Council Member,

I am urging you to vote no on the bylaw that will make the CCEA Vice President a non release officer. There are several reasons why I do not support this proposed bylaw amendment.

First and foremost this bylaw is limiting and cutting the teacher voice in half. If CCEA is looking to become the hub for education in Nevada we need more voices that are educators in full time roles, not less. We need to have elected members that are leading the organization who understand first-hand what it takes to be an educator and not a theoretical understanding.

The second reason is that if CCEA wants to be the hub for education in Nevada, we need to have educators leading the charge building bridges with our legislators. We need full time officers that will devote their time to ensuring that the needs of our members are met. Members can not be #1 if students come first, and how does anyone choose between their members and their students. They can't. It's an ethical impasse.

CCEA needs to have a presence at the legislature, state board of education, CCSD board of trustees meetings and any other places where decisions about the education of our students are being discussed. In these situations we need to have an elected educator representing us. They have lived the life of an educator and know how hard being an educator is. If CCEA has a person doing this work as a 2nd or 3rd job it would not meet the level of service members should expect from their dues dollars.

Next to consider is the process. I believe that if we are going to implement changes to our Bylaws there need to be robust conversation and debate as to how it will impact the organization. This is our governing document. This is it. The process that is being used to present this bylaw is not robust, transparent, or member-driven. We, the membership, are the governing body of CCEA. We deserve to have as much process as possible.

Finally, we have now seen two different versions of the bylaw. None of these versions are what came out of the Bylaw's committee. I know this, because I serve on CCEA's Bylaw committee. The version sent to ARs in March was the original language submitted to the Bylaws Committee. This language was rejected for structural issues, like removing the 4-year term of office. Changes were submitted to the maker of the motion, Jim Frazee. On Friday, I was on a virtual Bylaws meeting where the committee was told Jim accepted the changes, but CCEA sent out the wrong bylaw version for consideration. However, the new version sent out Monday morning is NOT the language from the Bylaws committee meeting. My notes and what was sent to the ARC are not the same. So now there are three versions of this bylaw proposal floating around causing muddled confusion. I am on the committee, and I don't even know what we are voting on 24 hours prior to the ARC.

For these reasons, I am speaking out against this motion and urge ARs to VOTE NO in order to keep representation.

Paul Kleemann
Del Sol Academy
CCEA Executive Board, Seat 4A
CCEA Bylaws Committee

CCEA Exec Board-

I am extremely disappointed in the just “get it done” feeling with how CCEA is handling ARC meetings. The point of ARC is to disseminate information as well as give members a chance to have discussions in order to make informed decisions. The method CCEA has established has NOT provided the appropriate venue for members to be able to ask questions and have discussions.

We are in unprecedented times and need to think outside the box, not just push through to get policies or bylaws approved or established because things need to be accomplished by a certain deadline.

It’s interesting that the VP position was removed from last years budget without this change, but now the change is getting pushed through without having any discussion... again!

The ARC needs to be allowed to do its job. There needs to be a way to postpone some of these very important decisions until we can have a meeting where representatives can have direct, immediate input!

Thank you for your consideration,

Jana Pleggenkuhle

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Statement:

Matthew Buckingham, Hickey ES. I am one of the Hickey AR and I want to add to the original statement from Hickey sent earlier by Jones that we also oppose this proposed bylaw because Jim ran on Strategic Horizon when campaigning for the vice president position. He will not be able to fully devote himself to the cause and securing us more funding LIKE HE RAN ON unless he is full time release and fighting for our funding everyday in the legislature next Spring. He needs to advocate for all educators and meet with legislatures on a day-to-day basis. He cannot do that from inside a classroom when legislative hearings are made during school hours. He needs to secure us funding he needs to be full-time.

Members are upset because this was not presented to all members. Who can members complain to opposition of the board Dan Price or JV?

Matthew Buckingham
Hickey ES
3rd Grade

Dear Area Representatives,

I support the Vice-Presidential bylaw change because the duties of the office don't warrant such a costly fulltime position. When I collected signatures members agreed that it was unfair to have members sacrifice more of their income when CCEA just increased dues to improve our union and our drive to fully fund education in Nevada. If our membership grows to a point where there is a need for a full-time release Vice President, we can always revisit this issue and make another change that reflects the best interest of our membership and organization.

In the name of common sense and fiscal responsibility, I support this amendment and I hope you will too.

Educators in Solidarity,

Karl Byrd
Clark County Education Association
Executive Board Zone Seat 5A

Statement:

Dear CCEA ARC

I hope you all are doing well. I just wanted to send you an email regarding the upcoming bylaws vote Tuesday April 28th. I gathered signatures in support of the bylaw change. Right now as the bylaw stands the Vice President position is a full time release position. I gathered the signatures to make the Vice President a non-full time release, with buyout days as we (CCEA) would need them. With the number of members we currently have I don't think spending \$150,000 per year (the cost of a full time release Vice President) is the best use of our money. For that same amount we have 2 full time Uni Servers who can go to buildings and meet with members and help get new members. All other board positions are non-paid positions. I personally spend off hours contacting members, actively going out and speaking to nonmembers explaining the benefits of being a member and, hopefully recruiting them to join.

With that being said the new bylaws address that when we hit a certain amount of members we can then make this a full time position. I urge you to vote for the new by law.

Thank you
Dan Price

Statement:

I collected signatures in support of the VP bylaw because we need to be in more buildings to help solidify our membership base. We cannot afford to pay for both our President and Vice President to be full time release. They cost us \$150,000 EACH and for that much we can pay for two staff members to be in school buildings organizing and recruiting members. We have over 300 school buildings to get leaders in and organize us in the coming fights against possible budget cuts and an absolutely critical legislative session. I'm all about having members lead us but we need our hired staff whose full time job is to get us members and increase our power both locally and statewide.

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Kenneth Belknap
Del Sol Academy
Honors & AP US Government
Social Studies Instructional Leader
belknka@nv.ccsd.net

Dear ARC member,

I am reaching out to you again because I was mentioned by name in a bizarre and inaccurate letter being circulated by Theo and Noel. Several members at my school have asked how they got their email address, but that is another matter.

I have ALWAYS been transparent about reversing the concept of a full-time release Vice President. I ran on a platform of having the Vice President position not being a release position. I told Noel at the candidates meeting in December that I was going to offer a bylaw change to that affect and her response was: "why don't we let ARC decide that". I said that would be fine with me and here we are. I announced in my nomination speech in front of the ARC that I was introducing this bylaw change. There is no "he just got elected now he wants to change the office". I am following through on what I told voters I was going to do. I have demonstrated selfless service to this organization for over 6 years and that is how I will continue to serve.

More troubling to me is the reckless and baseless charge that staff had anything to do with this bylaw change. I walked through Centennial HS myself and gathered signatures. My friend Kenny went through Del Sol HS and did the same. Concerned educators throughout the Valley did likewise until we had over 277 signatures. Staff had no part in this bylaw, and it is dishonest to say otherwise.

During the legislative session I will be taking buyout days and will be in Carson City fighting for our members. This will be a lot cheaper than a fulltime salary release VP. Unlike the people who have raised this concern, I have successfully gone to Carson City over several legislative sessions and fully understand what commitment is involved.

There have also been unfounded, and I would describe as sleezy attempts to question my integrity by saying that I would somehow benefit by NOT being paid by members. The pay and benefits that have been paid to the Vice President in the past are tens of thousands more then I make working two jobs! I am sacrificing a significant pay raise by advocating for this bylaw.

Thank you for your consideration and I urge you to VOTE YES on the bylaw amendment.

Humbly, yours in service,

Jim Frazee

CCEA VICE PRESIDENT-ELECT

Question to Parliamentarian

Good evening,

I appeal the ruling of the chair. I challenge the decision of the chair to refuse to hear motions. Under Robert's Rules of Order, appealing the ruling of the chair is a motion that MUST be voted on by the ARC because the body is the ultimate decider if something is in order or not. The executive board has determined that this electronic vote format is a suitable replacement for in-person ARC therefore Robert's Rules must be upheld within this forum in order to comply with Bylaw sections dealing with ARC. In other words, the chair CANNOT refuse to hear my motion if it is properly seconded. I have attached a second to the motion in this email.

You are bringing a motion without the possibility for feedback or amendment and in a forum where no other motions will be entertained. You are asking the ARC to vote on a motion that was not read to the body. The sudden new interpretation of Article 5, Section 4, Letters D and M has become an abuse of power in order to unilaterally expand the power of the Executive Board. This new interpretation goes against the historical practice as well as the hierarchy of power as written in the Bylaws. The hierarchy of power is that ARC is stronger than the Executive Board. Actions by the Executive Board must be approved by the ARC. Recent examples are the disaffiliation from NEA/NSEA and the Strategic Horizon Initiative. Both had to be approved by the ARC in order to move forward after the original action by the Executive Board. The ARC has the ability to order the Executive Board to take action. It has never been interpreted that the Executive Board has any authority to due the same to the ARC.

Moreover, there are policy and legal concerns with this Bylaw change that are prevented from being addressed by the chair refusing to hear motions.

One of the main concerns is the role of executive board member and Vice-President-elect Jim Frazee in the Bylaw change and the failure to disclose how he will personally benefit from this.

Jim has been overheard multiple times at ARC stating he will make less money as a full-time release Vice-President, than what he currently is paid with his two teaching jobs. Yet Jim has on numerous occasions has advocated for the Bylaw change even though he is the only person who would personally benefit from the action.

By Jim being involved in the process and the failure to disclose the fact that he alone will personally benefit from this action is a conflict of interest and a form of public corruption. He is violating his fiduciary duties and asking for a vote without properly informing his union what it means personally for him. He is asking what seems like a minor change but is failing to inform the ARC that this increases his pay. This is public corruption that will put the union in legal jeopardy based on a selfish action and is possibly even a criminal offense.

Please respond before 4:30 pm on 4/28/2020 so that way may advise our colleagues on how to proceed. I will also be sending this challenge to members of the ARC through email so they are aware.

Thanks :)

Jessica Jones

Parliamentarian's response to your query:

Ms. Jones takes issue with A) the Executive Board's decision on procedures to be used for the processing of bylaw amendments. She submits that the ARC can reject or overrule the Board's decision. She also has B) "policy and legal" concerns with the role of the Vice-President-elect who is a member of the Board. She says he has a direct financial interest and may personally benefit from the bylaw amendment as no other member would, which would constitute a conflict of interest,

A) In these unprecedented times, where meetings cannot be face-to-face, most organizations are choosing not to meet. Those organizations that have important business to conduct are meeting by electronic means. Few are prepared with well-developed policies and procedures for these alternate-style meetings.

The President consulted the Executive Board to develop procedures for your electronic meetings. I was consulted also. There were many considerations, including time constraints, costs to a stressed budget, as well as the formidable logistics of accommodating one hundred or more members of the ARC in one electronic connection.

*Reference: CCEA Bylaws, Article III, Section 7, B. The President, with the advice and consent of the Executive Board, shall set the time, location, and agenda for ARC meetings.
Section F. The Association Representative Council shall adopt its own internal rules of procedures for meetings provided they are not in conflict with these Bylaws for Robert's Rules of Order, Newly Revised.*

The meeting plan supports the participation of the membership. After a question and comment period, an opportunity for members to read comments and have questions answered, and a meeting to take the vote -- a simple yes or no -- on each bylaw amendment provided the necessary opportunity for participation. If an amendment does not pass, the current language will stay in the bylaws for another year,

B) The bylaw amendment would eliminate the association's salary to this officer. Should this amendment be adopted, any salary the Vice-President receives during his term will be earned from CCSD. Except for the CCEA president, that is what every other member does. Also, the bylaw change will apply to all those who may serve in the office of vice-president now and in the future. There is no conflict of interest with this bylaw amendment.

In conclusion, the CCEA Executive Board, acting under the circumstances of the COVID-19 pandemic as well as being in compliance with the Governor's order prohibiting meetings, has worked out a process to allow the ARC to exercise its authority to vote up or down a proposed bylaw change. ARC members by voting will have the authority to approve or not the proposed bylaw change.

Thank you for contacting me.

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