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* ALSO ADMITTED IN CALIFORNIA



DYER ♦ LAWRENCE, LLP

Attorneys and Counselors at Law

SUE S. MATUSKA*

OF COUNSEL
MICHAEL W. DYER

August 6, 2021

Via email

Fikisha Miller
Assistant General Counsel
Office of the General Counsel
Clark County School District
5100 West Sahara Avenue
Las Vegas, Nevada 89146

Re: Mandatory Testing for Unvaccinated Employees; Demand to Bargain

Dear Ms. Miller:

ESEA provided me with a copy of the August 4, 2021 interoffice memorandum to all CCSD employees from Deputy Supt. Brenda Larsen-Mitchell regarding updated health and safety protocols. In that memorandum, CCSD is directing unvaccinated employees to be tested at CCSD-designated sites outside their contractual work hours, but the memorandum fails to state that employees will be paid for the time required to travel and be tested, to include compensation at the overtime rate when applicable.

ESEA has since confirmed that CCSD's intent in the memorandum is in fact an attempt to require employees to complete a directed task specific to their CCSD employment, but without compensation. ESEA will advise employees to follow the time honored workplace rule of comply now-grieve later, but CCSD is now on notice that the directive to perform uncompensated work is plainly unreasonable, unlawful and a violation of the Negotiated Agreement. ESEA will be taking action to make all adversely affected support professionals whole. The memorandum also implicates safety issues, and ESEA demands immediate bargaining regarding the safety aspects of the memorandum.

Thank you for your attention.

Sincerely,

DYER LAWRENCE, LLP

A handwritten signature in blue ink, appearing to read "Francis C. Flaherty", written over the typed name.

Francis C. Flaherty

cc: Jan Giles
Fred Horvath