

# F. Y. I.

for your information

## COURT RULES AGAINST SCHOOL DISTRICT

A federal court in Mississippi has announced that the Starkville and Columbus school districts must pay \$106,000 to attorneys who handled successful cases alleging racial discrimination in the employment and firing of educators during desegregation, the National Education Association has announced.

The award, which was for attorneys' fees, expenses, and court costs, is a precedential amount in teacher rights litigation. Its size reflects the complexity and long duration of the cases, which were brought in 1970 by the NEA, the Mississippi Teachers Association, and 20 teachers. One of the teachers, who was fired twice, will receive back pay and be reinstated, as most others have been.

NEA President James A. Harris, said that the award "against two districts which treated teachers unfairly on the basis of race will be a deterrent to other school districts that may contemplate racially discriminatory action against teachers in violation of the U. S. Constitution and federal law." He added that NEA views the award "as one way to ensure the constitutional rights of teachers."

All cases involve teachers adversely affected during desegregation of the districts' schools. Attorneys in the cases had handles the successful law suits of Columbus teachers fired for failure to achieve minimum scores on the National Teacher Examination; Starkville teachers who did not achieve minimum scores on the Graduate Record Examination; two white Starkville teachers who lost their jobs because of their expressed concern for the rights of blacks during desegregation; a black teacher from Starkville who was terminated for circulating documents protesting the racially discriminatory treatment of black educators; and a black Columbus teacher who, after being reinstated by the court, was suspended and then dismissed for bringing suit.

Most other teachers involved were reinstated and awarded back pay where appropriate. The Fifth U. S. Circuit Court of Appeals, in ruling for the teachers, held that tests that clearly disadvantaged black teachers were illegal criteria for hiring or retiring faculty. Their use, the court said, violated the equal protection clause of the Fourteenth Amendment.

## IMMUNIZATION

The District Health Department has scheduled free immunization clinics for persons between two months and 21 years of age.

Immunizations to prevent diphtheria, polio and both types of measles will be available from the public health nurse, at the following locations:

Indian Springs Masonic Temple from 1 to 3 PM, Monday, (Feb. 10); Paradise Park at 4770 Harrison off Tropicana from 1:30 to 3:30 PM on Wednesday, (Feb. 12).

Also set for Wednesday

are the clinics at St. Timothy's Episcopal Church at 42 Pacific Ave. in Henderson from 8 AM to Noon and at Trailer Estates at 2240 Linn Lane from 3:30 to 5:30 PM.

The clinic at the Boy's Club at 2530 E. Carey in North Las Vegas is scheduled from 9 AM to Noon on Friday, (Feb. 14).

The public health nurse will also be available for general health counseling at these times.

Call the Health Department for further information.

## DEATH VALLEY TRIP

A trip to Death Valley with stops at Furnace Creek and other points will be a high point of February for EOB Seniors and other Senior Citizens in the area. Two busses will take about 70 Senior-Citizens on the desert trip Feb.

12. A special feature will be a performance by Ballerina Marta Becket, at her famous Amargosa Opera House. Seniors interested in the trip can call EOB Vista Bill Haynes, 648-3280, extension 06.

## LIST BLOCKS TERMINATION PAY

CARSON CITY---A county commission may not pay terminating county officers or employees for accumulated sick and disability leave, Atty. Gen. Robert List said.

List said he was aware that Clark County and perhaps other local government entities have a practice of paying for unused sick leave and have built payment into their budgets.

"We recognize these are valuable benefits and, personally, I have no opposition to the payment whatsoever. Our opinion relates the letter of the law," List explained.

List suggested that should these entities wish to continue paying for unused sick and disability leave, they should see that legislation is introduced to permit payment.

The opinion was directed to Washoe County Dist. Atty. Larry Hicks. In it, List noted that authority for establishing vacation time, sick leave and disability leave is conferred upon county commissions by Nevada Law.

In general, List said, the law requires each county board to provide annual leave for employees and officers, and set forth rights of these persons

## POWER COMPANY HEARING SLATED IN NEW LOCATION

The Public Service Commission today announced that arrangements have been made for more expansive facilities in which to hear the application now on file before the Commission for Nevada Power Company for rate increases. Though previously noticed for hearing in the Clark County Commissioners Chambers, Clark County Courthouse, the public hearing will now be held in the Gold Room located within the Clark County Convention Center at the same time and date as previously noticed, that is, 1 P.M., Thursday, February 6, 1975 for the presentation of the Nevada Power Company's direct case.

In concluding this release, William W. Proksch, Jr., Secretary to the Commission noted that: "The facilities in the Gold Room at the Convention Center should be adequate to accommodate the consumer who wish to appear and express their personal position for the record." The Secretary further noted that; "Though the consumer session of the hearing will commence at 7 P.M. the Commission will remain in session as late into the evening hours as necessary to accommodate all parties in attendance."

to be paid for accumulated annual leave---or vacation time---upon termination. "However," List said, "Nevada law contains no provision indicating an intention of the legislature to provide payment for unused sick leave."

The lack of such language, when contrasted to the provisions pertaining to annual leave, indicates the legislature intentionally avoided including any provisions for unused sick and disability leave, List noted.

To support this position, List cited provisions of the State Personnel Act, which sets forth similar rights for state employees.

The act grants the same amount of annual leave awarded county employees, and provides payment for this unused vacation upon termination.

"Again, in the state statute, there is a complete and total absence of any language by the legislature which would authorize payment for unused sick and disability leave," List explained.

List also cited a 1971 District Court decision by Judge Emile Gezelin which held that the Washoe County Commission had no authority to pay for unused sick leave under any circumstances.

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