MEMORANDUM  
HISD ADMINISTRATION POSITION STATEMENT REGARDING  
PROPOSED REVISED DGB(LOCAL)  

I. BACKGROUND  

A. Current HISD Board Policy DGB(LOCAL) divides Consultation into three groups: INSTRUCTIONAL, NON-INSTRUCTIONAL, and ADMINISTRATIVE CONSULTATION. As of 2013, each eligible employee organization (“union”) has the right to call for a new Consultation election to be held in odd numbered years.  

B. NON-INSTRUCTIONAL CONSULTATION: Eligible to participate in this group are HISD employees in Construction and Facilities Services (“CFS”); Food Service Personnel; Warehouse, Textbook, and Print Shop Personnel; Service (Financial, Technical, and Administrative Support) Staff; and Transportation Personnel. There are currently two active employee organizations participating in Non-Instructional Consultation.  

<table>
<thead>
<tr>
<th>Employee Organization</th>
<th>Employee Group Represented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houston Educational Support Personnel</td>
<td>Transportation Personnel</td>
</tr>
<tr>
<td>(“HESP”) 6315</td>
<td></td>
</tr>
<tr>
<td>People’s Choice Association</td>
<td>Transportation Personnel</td>
</tr>
</tbody>
</table>

Food service workers, as an employee subgroup, in past years were included in Non-Instructional Consultation. However, as of the last eight Non-Instruction Consultation elections called by various unions, seven have included a food service union, but no food service union has obtained the threshold number of votes to be included in Non-Instructional Consultation. Unions representing CFS workers have participated in six of the last eight Consultation elections and have also failed to reach the threshold number of votes to participate in Non-Instructional Consultation.  

C. INSTRUCTIONAL CONSULTATION: Eligible to participate in this group are Teachers, Teacher Aides, Paraprofessionals and Classified Non-Supervisory employees.
There are currently two active unions participating in Instructional Consultation.

<table>
<thead>
<tr>
<th>Employee Organization</th>
<th>Employee Group Represented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houston Federation of Teachers (“HFT”)</td>
<td>Teachers</td>
</tr>
<tr>
<td>Congress of Houston Teachers (“CHT”)</td>
<td>Teachers</td>
</tr>
</tbody>
</table>

In past years, the Association of Teachers and Professional Educators (ATPE) participated in Instructional Consultation as a teacher organization, but no longer attends. Support personnel was organized at one time years ago and participated, but no union specific to support personnel participates at this time.

II. SUMMARY AND ANALYSIS OF KEY PROVISIONS OF PROPOSED REVISED DGB(LOCAL) GROUPED BY SECTION HEADINGS IN CURRENT POLICY

A. DETERMINATION OF APPROPRIATE EMPLOYEE GROUPS (Page 1 through 4 of Proposed Policy)

1. The current policy allows employee subgroups to each have their own representative participate in Consultation. For example, teachers and teacher-aides may elect their own representation for Instructional Consultation. In addition, support staff personnel have the right to elect a separate representative for Instructional Consultation on their behalf. Likewise, food service workers currently have a right to elect a representative for Non-Instructional Consultation. Transportation workers also have a right to elect a separate organizational representative to present their interests at Consultation.

Under the proposed revisions, a single union would represent all employee subgroups in Instructional Consultation, and a single organization would represent all employee subgroups in Non-Instructional Consultation. The proposed policy consolidates all subgroups in Consultation under one employee organization. This reduces the number of voices at the Consultation table. The Administration recommends that any revisions to this policy should at the very least provide an opportunity for more than one voice to be heard during a
Consultation meeting. This affords a broad cross-section of employee participation in Consultation.

2. Under the proposed policy, since there are more teachers than secretaries and clerks, likely the chosen representative in Instructional Consultation will be chosen by teachers and not support personnel. The opportunity for support personnel to organize and have a representative at the table is all but foreclosed under the proposed policy. Similarly, in Non-Instructional Consultation, food services workers and transportation workers will no longer each be able to have their own representative. One union will represent the interests of food services workers, transportation workers, custodians and warehouse workers. **The specific interests of the smaller subgroups will be subsumed by the interests of the larger subgroups.** Proposed policy revisions should address this issue.

3. The proposed policy revision eliminates the eight employee subgroups currently eligible for representation in Consultation and combines them into one of two broad employee groups: Instructional and Non-Instructional. In theory, one national union could represent all employee groups in the District, both Instructional and Non-Instructional. No other employee organization could participate in Consultation.

**Analysis:** The revision eliminates the possibility of “niche” representation of specific employee groups identified in the current DGB (LOCAL), e.g., teachers, food service, CFS, Transportation, etc. The upshot is that individual employee groups will no longer have the opportunity to elect employee organizations representing them in Consultation that represent their interests more or less exclusively and have familiarity with issues affecting them. For example, will an employee organization primarily representing bus drivers be able to effectively advocate for food services workers?

The Administration agrees that the current policy should be updated to provide avenues for various employee groups that are not currently represented by an employee organization/union to participate in consultation. The proposed revisions, however, consolidate power in one organization and reduces broad employee input.

Eliminating Consultation elections for individual employee groups, and narrowing representation to two broad categories of employees, moves Consultation closer to single union representation.

4. The proposed policy provides that an employee organization that wins a Consultation election shall have reasonable use of the District’s mail
distribution, email, bulletin boards, cafeterias, teacher lounges, break
rooms and other common areas.

**Analysis:** Employee unions and employee professional organizations are
separate and distinct entities from HISD. The goals of these organizations
while related to the educational processes of HISD, are not necessarily the
same as, or aligned to the goals of the district. Board members and the
superintendent have fiduciary duties to provide a quality education to the
students of HISD in a fiscally responsible manner. The goals of outside
employee organizations center first and foremost on the best interests of
their members, not students. Therefore, certain taxpayer funded resources
such as internal mail delivery and email systems should not be used to
support outside organizations.

**For example, messages delivered by a union to district employees via**
the district’s email system might be counter to the message the
superintendent or board may want to communicate to students,
parents, staff and community members. These constituencies may
become confused about HISD’s position on an issue if outside
employee organizations are using the district’s communication
systems to disseminate their messages. Employee organizations
should be required to use their own communication systems, not the
district’s.

**Likewise, the use of spaces in HISD buildings should be reserved for**
the use of the district, not employee organizations at will. Use of
cafeterias and other meeting spaces on a regular basis may interfere
with school activities, and at the very least will add costs for custodial
services.

Finally, this provision may constitute an **unlawful gift of public funds.**
Moreover, the provision is too broad in that it commits HISD to provide
extensive use of its facilities by employee organizations, which could
**disrupt instruction on school campuses.** Reasonable use of spaces,
regulating time, place and manner as determined by campus or
administrative office leadership. Conferences with individual
members/employees is already facilitated without this sweeping language.
Board Policy DGB(LOCAL) is about Consultation. Regular meeting space
for organization membership is the responsibility of the union.
B. CONSULTATION ELECTION PROCEDURES *(Page 4 through 6 of revised policy)*

1. Both the current and proposed policy provide that elections are held during odd-numbered years. The proposed policy makes a major change in determining the eligibility of an employee organization to participate in an Instructional or Non-Instructional Consultation election. The proposed policy requires an employee organization to prove that as of September 1 of an election year, it has membership consisting of at least 10% of HISD employees categorized as Instructional, or 5% categorized as Non-Instructional. No explanation has been provided for why the two thresholds are different.

**Analysis:** The revised policy does not specify the type of evidence that the employee organization is required to produce to prove employee membership percentages, as does the current policy, which looks to the number of members who have their union dues deducted from their HISD paychecks. One union could qualify for a consultation election based solely on the large number of union members from a subgroup of employees. In other words, under the proposed policy, large employee subgroups, whose members are represented by an employee organization, would dominate the consultation election process by determining a union’s eligibility to be placed on a consultation election ballot.

The proposed policy provides that a ballot listing each employee organization eligible for an Instructional or Non-Instructional Consultation election shall also include the option of “no organization” and shall be mailed to eligible HISD employees by October 31 of the election year by the independent auditing firm, and the ballots completed and mailed back to the firm postmarked by November 15.

**During Instructional Consultation,** the groups recommended removing the “no organization” option. The administration does not oppose this change. However, HFT further suggested during Consultation that new language be provided that would allow for an unopposed organization to be allowed to become the sole representative in Instructional Consultation by acclamation.

Administration cannot support this approach for the initial implementation of this policy. To do so would mean that approval of the proposed policy would potentially allow a single union to represent thousands of HISD employees, many of whom do not even...
belong to the union, to be subject to a single union representative model. Eliminating the possibility of having multiple organizations at the table would thus be accomplished by acclamation, without a single employee voting to support the single organization representation model.

Administration can support an initial election that at a minimum would ask employees to choose between having multiple organizations on the ballot, and therefore multiple employee opinions at the table participating in Instructional or Non-Instructional Consultation, or whether employees favor only one organization at Instructional or Non-Instructional Consultation, to be determined by whichever union is larger, with no other employee input. **Alternatively, the policy should allow for multiple organizations to be represented at Consultation, without the need for an election to choose single employee organization representation or multiple employee organization representation**

2. In subsequent years, Administration does not oppose an acclamation provision should the proposed policy be adopted.

3. **The proposed policy provides that employee organizations participating in Consultation elections shall have the right to obtain an electronic list of eligible voters providing the employee’s name, job title, work site, email address and home address. By law, HISD employees have the right to keep “directory information” confidential.** Employee organizations may not obtain employee home addresses if the employee has chosen to keep such information confidential. Currently, employee organizations, along with others, may request through the Public Information Office a list of employees who have not determined that their directory information be kept confidential.

4. The proposed policy provides that independent auditors employed by the District shall stage a polling location in a central area of the school district on the five business days between November 1 and November 8, which would be open during normal business hours. Employees could vote either by mail or at the polling location.

   **Analysis:** If an eligible employee voter has not received a ballot within a week of the mailing date, he/she may pick up a ballot at the offices of the independent accounting firm conducting the election and vote there. Alternatively, the eligible employee voter, on a designated Saturday before the deadline for the ballots must be postmarked (November 15), may pick up a ballot in the lobby of the Hattie Mae White Educational Support
Center ("HMW") and vote there. The HMW voting site is open on the designated Saturday from 8:00 a.m. to 12:00 p.m. and is staffed by employees of the independent accounting firm in charge of collecting and counting the ballots.

The proposed policy intends to expand the one-half day of voting at HMW to five full business days of voting scheduled at a central location in the District, which is apparently not HMW, before November 15. After consulting with the local accounting firm that has conducted HISD Consultation elections since 2009, the District received an estimate of the cost to have onsite voting for a five-day period, as described in the proposed policy. **A polling station open for five business days will cost the District an additional approximately $12,000 in Consultation election fees and expenses to be paid to the independent accounting firm.** Administration recommends continuing the current policy of allowing the pick-up of ballots and voting by eligible voters at HMW for one-half a day on a designated Saturday morning.

5. The proposed policy provides that if an employee organization or the “no organization” category does not receive a majority of the votes, then a runoff election shall be held between the organization that received the most votes and the “no organization” category.

**Analysis:**

If, as recommended by the Instructional Consultation group, the “no organization” option does not appear on the ballot, then the most equitable approach when no organization on the ballot receives a majority of the votes, is for the two top employee organization vote getters in an election to participate in a runoff.

**III. FISCAL IMPLICATIONS TO DISTRICT OF REVISED POLICY DGB(LOCAL)**

Consultation elections involving most of the Instructional and Non-Instructional employees in the District would **significantly increase the cost of conducting an election.** **A reasonable estimate is that an independent accounting firm would charge $120,000 in professional fees and expenses to oversee Instructional and Non-Instructional elections at HISD.** **The last several Consultation elections, which involved only Non-Instructional employees, have cost the district approximately $26,500 in fees and expenses.**