

**Consultation with
Employee Groups**

The primary purpose of the consultation process is to establish, maintain, and facilitate communications with employees of the District. It is the desire of the District that the consultation be meaningful both to the District and to the employee's elected representative. While the focus of consultation shall be on problem solving and the initiation of desirable change, the Board shall reserve the right to make final decisions concerning all questions relative to employee-employer relationships, as provided by law. Accordingly, the Board may not negotiate, or otherwise enter into a legally binding agreement with any employee groups regarding wages, hours, and working conditions.

Meetings

Consultation meetings shall be held monthly in accordance with a regular schedule and shall be "meetings of record" for which minutes will be kept and distributed. The Superintendent, or a member of the Superintendent's Cabinet, shall conduct all consultation meetings. Other staff members may be asked by the Superintendent to participate in consultation meetings, as deemed necessary. Minutes of each consultation meeting will be distributed to participants and to the Board prior to the next consultation meeting.

Agenda

Representation at consultation meetings will be a decision of each employee organization. An employee organization shall have sufficient time to present its ideas. By mutual agreement, meetings may be adjourned and reconvened at the earliest possible date in order to complete the agenda. Proposed agenda items shall be submitted in writing at least two days prior to a scheduled meeting, except in extenuating circumstances.

The goal of consultation is to reach consensus. In cases where consensus is not reached, the Superintendent may take a vote to determine the position of the representatives of the employee organization and the Superintendent. The Superintendent is not bound by the outcome of such a vote.

Ad hoc meetings in which nonconsultation employee organizations participate shall not replace or be used to circumvent the consultation process. The consultation process shall be utilized to address all items relating to wages, hours, and conditions of employment.

**Determination of
Appropriate
Employee
Organizations**

There are three broad categories of employees: instructional, non-instructional, and administrative.

An employee organization is eligible to be the elected representative of a category of employees on a consultation committee if its membership consists of the appropriate employee classifications and it has won an election to become the elected representative of a particular employee group.

EMPLOYEE RIGHTS AND PRIVILEGES
PERSONNEL-MANAGEMENT RELATIONS

DGB
(LOCAL)

An appropriate employee organization has the obligation and responsibility to fairly represent the interests of all employees at consultation.

An appropriate employee organization shall be elected by a majority vote of appropriate employees casting ballots in an election.

An appropriate employee organization shall have reasonable use of the District's mail distribution system, electronic mail, bulletin boards, campus cafeterias, teacher lounges, break rooms, and other similar spaces. Reasonable use of District mail, facilities, and spaces shall be defined in DGB(REGULATION).

Instructional

Instructional employees shall be defined as teachers, teachers' aides, paraprofessional and classified non-supervisory personnel and educational office personnel (secretary and clerical), and service (financial, technical, and administrative support) staff. Instructional employees shall participate in consultation as follows.

Selection of instructional consultation representatives shall be the responsibility of the appropriate employee organization elected to be the elected representative of instructional employees.

Noninstructional

Noninstructional employees shall be defined as construction and facilities personnel; food service personnel; warehouse, textbook, and print shop personnel; and transportation personnel. Noninstructional employees shall participate in consultation as follows. Selection of a noninstructional consultation representative shall be the responsibility of the appropriate employee organization elected to be the elected representative of noninstructional employees.

Administrative

The Board assures management and supervisory personnel appropriate consideration of benefits afforded other school personnel without the benefit of consultation. Any person in a position of responsibility who can effectively recommend any employee for employment, termination, assignment, transfer, or promotion or conduct employee evaluations is considered, for these purposes, management or supervisory personnel.

No provision of Board policy pertaining to an item that the Board has delineated as a subject of consultation will be changed or modified before the appropriate employee organization is consulted, unless the Superintendent or Board determines that action without consultation is necessary to the operation of the District. In this case, such action may be taken without prior consultation.

Open communication is vital. To ensure continuous communication, meetings with the Superintendent or designee and the management and supervisory personnel will be established on a regular basis to discuss items of administrative concern.

Dues Deductions

Dues deductions for members of employee organizations will be made at the expense of the District. [See CFEA(LEGAL)]

**Consultation
Election Procedures**

An employee organization desiring to become the elected representative of a category of employees must submit a written request to the Superintendent before October 1 of an odd-numbered year showing that as of September 1 of the year of the consultation election the employee organization's dues-paying membership consists of at least 10 percent of the instructional employee category as defined in this policy or the employee organization's membership consists of at least five percent of the noninstructional employee category as defined in this policy.

The District shall prepare a ballot of all eligible employee organizations desiring to be the elected representative of the employees of that employee group in either instructional or noninstructional consultation, whichever is appropriate; such list shall include a category of "no organization." A ballot shall be mailed to each employee by October 31, and each employee may designate one employee organization or the category "no organization." Any employee organization may obtain an electronic list of eligible voters by making a Texas Public Information Act request through the District Public Information Office. A list shall be provided to the employee organization making the request within the timeframe prescribed by law and include the name, job title, work site, work email address, and home address of eligible voters. Employee organizations may not obtain home addresses of eligible voters who have chosen to keep such information confidential pursuant to the Texas Public Information Act. The ballot shall then be returned to the independent auditors employed by the District or other independent third party postmarked no later than midnight, November 15. The preference ballot will be mailed to the address reflected in the employee's personnel file. If the ballot is returned by U.S. mail to the independent auditors employed by the District or other independent third party prior to being voted, the employee may request that it be forwarded to a new address or may pick it up in the appropriate department.

The independent auditors employed by the District or other independent third party shall stage a polling location in a central area of the school district on the five business days between November 1 and November 8. The polling location shall be open during normal business hours and ensure ballot secrecy. Information about the polling location shall be included in the ballot mailed to each employee and be posted prominently on the District website. Employees shall vote either by mail or at the polling location. The independent auditors employed by the District or other independent

third party shall have an established system and safeguards to prevent a person from voting more than once.

By December 1, the independent auditors, or other independent third party, using internal auditing, as needed, shall tally up ballots and determine which organization has received a majority of the ballots or if "no organization" has received a majority of ballots cast and shall certify such to the Superintendent and Board. Any and all employee organizations listed on the ballot shall have the right to a maximum of two observers of the vote tally. An employee organization shall be the elected representative of an employee category if it receives a majority of the ballots cast in the election. If an employee organization or the "no organization" category does not receive a majority of votes, a runoff election shall be held between the organization that received the most votes and the "no organization" category.

The employee organization shall remain the elected representative of an employee category until such time as a different employee organization petitions the Superintendent with a sufficient showing of membership and defeats the incumbent elected representative in an election ran in accordance with this policy.

All costs of mailing the ballots and determining results shall be borne by the District.

Individual Rights to Present Grievance

Nothing herein is intended to prevent an employee from presenting a grievance concerning wages, hours, or conditions of work individually or through a representative who does not claim the right to strike. A grievance is defined as a dispute alleging a violation of the application or misapplication of the policies of the Board as related to wages, hours, or conditions of work. [See DGBA(LEGAL) and (LOCAL)]