

## DECLARATION OF GEORGE PARKER

I, George Parker, declare under penalty of perjury that the following statement is true to the best of my knowledge.

1. I am president of the Washington Teachers Union Local 6, AFT, and have held this office since February 2005. I was reelected in May 2007. I have been employed by D.C. Public Schools for 27 years as mathematics teacher. In the past I have been a building representative, a field representative, a member of negotiating teams going back to 1989. I have been a candidate for WTU president on four separate occasions. I am familiar with the WTU election process, as well as its Constitution and By-Laws .

2. When a question arose about whether the Elections Committee or the Executive Board had the authority to set the date of the election, the Union obtained a legal opinion from its attorney, Lee W. Jackson. By memorandum dated June 9, 2010, Mr. Jackson advised the Union that under the Union's Constitution the Executive Board had the authority to do so, concluding that "the Executive Board is the highest governing body of the WTU in the absence of the Membership itself, and of the Representative Assembly." Att. 1 (Jackson Memo dated 7/7/10). Neither I nor any member of the Executive Board asked Mr. Jackson to come to any particular conclusion. Mr. Jackson came to his opinion entirely on his own.

3. After receipt of the opinion memorandum from Mr. Jackson, the Executive Board met on June 9, 2010. Claudette Carson, chair of the Election Committee, requested and was granted an opportunity to make a presentation to the Executive Board. After much discussion among Executive Board members, Lorraine Smith made a motion to conduct the election of officers in the fall of 2010, Deborrah Hines seconded it, and it was

approved by the Executive Board. Att. 2 (minutes of the Executive Board, 6/9/10 (incorrectly marked as a draft)). The Executive Board, after listening to what Claudette Carson had to say, passed this resolution:

1. That the notice of nominations for election of officers, Executive Board Members, Delegates to the Washington Metropolitan Council and Delegates to the Maryland State and DC AFL-CIO be sent to all WTU members by the WTU Elections committee no later than September 30, 2010 with election balloting to end at 5 pm, November 30, 2010.
2. That the Executive Board with the assistance of legal counsel and the WTU parliamentarian establish other constitutionally mandated timelines and provide to WTU members at the time of the notice of nominations.
3. That all candidates for elected positions submit new petitions to be certified by the newly duly constitutionally elected Elections Committee.
4. That the WTU Executive Board maintains all petitions submitted on April 30, 2010 for organizational records and for legal purposes.

4. Although I understand that some claim that there was no quorum at this meeting, WTU Registered Professional Parliamentarian John Tatum issued an opinion dated June 10, 2010, finding that there was a quorum and that “[a]ll action taken at the meeting is valid ...” Att. 3 (Parliamentarian Opinion, 6/10/10).

5. The Executive Board decided to hold the election for officers in the fall of 2010 for several reasons. A valid Elections Committee was not elected until May 27, 2010. This was because the prior Elections Committee failed to send ballots out for an election for its successor and the Election Committee improperly declared four members elected by acclamation. One of these was General Vice-President Nathan Saunders’ wife, Shandrai Jackson-Saunders. This action was improper because the Election Committee must be elected and the Election Committee failed to provide members with an opportunity to vote and because four members were insufficient to constitute a quorum –

eight were needed. I attempted to solve this deficiency by presenting the problem to the Representative Assembly at the March 23, 2010, meeting. In order to conduct an election in May as provided in the Constitution, I recommended to the Representative Assembly that volunteers from the Assembly, who are themselves elected representative per school, volunteer to fill the vacancies on the Election Committee and be appointed by the Executive Board. The Executive Board accepted the volunteers and appointed them to the Election Committee at its March 25 meeting, including Shandrai Jackson-Saunders. Att. 4 (minutes of March 25, 2010, Executive Board meeting).

6. The same day, March 25, 2010, General Vice-President Nathan Saunders filed a complaint with the U.S. Department of Labor (DOL) over the appointments of Representative Assembly members to the Elections Committee, with a copy to the American Federation of Teachers (AFT). He argued that only the four members supposedly elected by acclamation should constitute the Election Committee. By letter dated April 9, 2010, I responded to Nathan Saunders' letter to President Weingarten. I requested the AFT, in light of Nathan Saunders' complaint, "to intervene and assist the WTU in resolving this issue." Att. 5 (Parker letter to Weingarten, 4/9/10). By letter dated April 19, 2010, AFT President Randi Weingarten agreed to do so, but stressed the limited role to be performed by the AFT in conducting the election of the Elections Committee and delegates to the AFT Convention. Att. 6 (Weingarten letter to Parker & Saunders, 4/19/10). The AFT stayed the election of WTU officers and members of the Executive Board and conducted an election of the Elections Committee and delegates to the AFT Convention. Att. 7 (Weingarten letter to WTU members, 5/11/10). The

election for members of the Election Committee and delegates to the AFT convention was completed and the results certified on May 27, 2010.

7. The schedule established by the Executive Board for the WTU elections is the following:

1. Notice of the opening of nominations for the election of WTU officers, WTU Delegates to the Metropolitan Washington Council AFL-CIO and Delegates to the Maryland State/DC AFL-CIO will be sent to all members by the WTU Elections Committee - September 30, 2010
2. Deadline for submission of petitions - October 29, 2010
3. Balloting and election of WTU Officers - November 15 - November 30, 2010
4. Counting of ballots - November 30, 2010

By letter dated July 1, 2010, I informed the WTU membership of this schedule and the reasons for its adoption, “including: providing all members with a fair and equitable opportunity to vote and participate in the nomination and election process, ensuring that the WTU membership list of eligible voting members is accurate and up to date following the exit of retirees and other teachers leaving the system during the summer, determining whether or not conducting an election during the summer break is in the best interest of WTU members and adhering to the legal intent and established election procedure of the WTU Constitution to the extent possible.” I also enclosed a copy of the legal opinion referred to above. Att. 8 (Parker letter to WTU members, 7/1/10).

8. An election could not be scheduled sooner than this because only active teachers (those currently employed by DCPS) who are dues paying members are eligible to run for office and to vote. It is impossible to develop a reasonably accurate list of currently employed dues paying members until about three pay periods after the school year begins. This task is impossible to perform during the summer months, when the

membership list is at its most inaccurate state. That is because teachers leave the system, for example, by retiring, over the summer months when school is not in session. The turnover of teachers between academic years is between 400 and 500. The names of teachers who have left the system must be purged from the list. In addition, the WTU needs to have an accurate Union Dues Report (UDR) to develop a reasonably accurate membership list. The UDR over the summer months contains the names of those who have left DCPS because they continue to receive pay even though they are no longer employed by DCPS. The UDR report does not even begin to accurately reflect currently employed dues paying members until the first pay period after the commencement of the school year. By September 30 (the date the nominations process will begin) there would have been two UDR reports. Indeed, the Department of Labor filed suit over the 2005 election because the AFT (while the WTU was under AFT administratorship) sent ballots to members who were not eligible to vote by the time the ballots were cast. The WTU officers remained in office until the next scheduled election, which by agreement was conducted by DOL. Att. 9. Because teachers are often away during the summer months, moreover, there was a very substantial risk that they would not even vote, which would not result in a representative participation of the membership in the election.

9. In the schedule set forth above, excessed teachers will be eligible to vote because excessed teachers are still employed by DCPS as teachers. Excessed teachers are not terminated. They are teachers who no longer needed at a given school and therefore “excess.” Teachers excessed this year were excessed under the last collective bargaining agreement, so they are entitled to placement at another school without risk of termination. The new contract became effective June 29, 2010. DCPS may take the position that

excessed teachers are placed only with “mutual consent” of the excessed teacher and principal. Any excessed teacher with a satisfactory (effective) evaluation are automatically entitled to another year of employment with DCPS if they so choose. In either scenario, excessed teachers will be eligible to vote under the schedule set by the Executive Board.

10. The deadline for submission of nominating petitions must be re-set because there was no valid Elections Committee in existence as of April 30, 2010. As noted, the currently scheduled notice of nominations is set for September 30 and they must be returned by October 29, 2010.

11. It is said that the WTU failed to cooperate with the request of the Elections Committee for the membership list. This is untrue. The membership list is confidential information. Article X, Section 4, of the Constitution states: “Membership lists shall be sued only as permitted by the Executive Board.” The first instance the Elections Committee has access to the list is to verify that a candidate received a sufficient number of petitions from members. The past practice is to provide the Elections Committee with access to the membership list for that purpose at a time following the deadline to submit petitions. The Elections Committee also has access to the membership list to inspect it before the list sent to the American Arbitration Association (AAA). There is no further need for the Elections Committee to have access to the membership list because the balloting process is conducted by an outside organization, traditionally the AAA. Given the fact that there will be a new period to submit petitions, the Election Committee has no legitimate need for access to the membership list. It appears that the Elections Committee wants the membership list and the nominating petitions for the improper

purpose of limiting the upcoming election of officers to those who submitted petitions by April 30, 2010.

12. Only WTU members are eligible to vote. This is the list of members who are sent ballots by the AAA. As explained above, one reason the Executive Board adopted the current schedule is to assure an accurate list of members, particularly in light of the finding of the DOL in a recent election that ineligible voters received ballots. In addition, the voter must remain eligible to vote at the time the ballots are counted. Ballots of those who are believed to have become ineligible to vote since ballots were mailed may be challenged at the ballot count. These rules comport with union democratic principles because those affected by the outcome of the union election should be the ones who select their officers. Those excessed on June 30, 2010, remain on the DCPS employee list and if they are members of the WTU as outlined above, they are eligible to vote like any other union member.

13. Article V, Section 2(D)(4), of the By-Laws gives the Executive Board the authority to set the compensation of the President and General Vice-President. Until the administration of former WTU president Barbara Bullock, the General Vice-President was not on leave from DCPS. The Executive Board set the salary of the General Vice-President at \$131,000 per year. On September <sup>17</sup>~~9~~, 2009, the Executive Board directed Nathan Saunders to perform duties as directed by the President, in accordance with Article VII, Section 2(A) of the By-Laws. Att. 10. On March 25, 2010, the Executive Board passed a resolution sponsored by Maria Angala and seconded by Andre Taylor demanding that General Vice-President Saunders submit to the Executive Board a journal of his services to the WTU membership. Att. 11. To this point General Vice President

Saunders, who was present at the meeting, took the position that he had no obligation to account to any person or body for his services to the WTU membership. According to Article VII, Section 2(a) of the WTU By-Laws, the General Vice-President shall:

“Perform other duties as delegated by the President or assigned by the Executive Board.”

General Vice President Saunders has refused to accept assignments from me.

14. General Vice-President Saunders refused to comply with the March 25, 2010, resolution of the Executive Board. Accordingly, on June 15, 2010, the Executive Board passed a resolution sponsored by Maria Angela, which set the salary of General Vice-President Saunders “[a]s a discretionary employee for compensation purposes at \$0.00 effective June 15, 2010, “for failing to comply with the duties, roles and responsibility of the General Vice President position as stated in the WTU By-Laws (Article VII, Section 2), and failing to comply with the directives given by the Executive Board and his supervisor, the President, as provided in Article VIII, Section 2.A of the WTU By-Laws ... continuing to the end of the current DCPS Leave-of-Absence period ending June 30, 2010,” until he fulfilled listed conditions. These were to obey the March 25, 2010, Executive Board resolution requiring documentation, and satisfactory evidence as to why he failed to implement previous directives of the President. The resolution also prohibited the President from “authorizing a DCPS Leave-of-Absence for the General Vice President for the school year 2010-2011 until further notice from the Executive Board.” Att. 12 (Executive Board resolution, 6/15/10). By letter dated June 22, 2010, the Recording Secretary transmitted the resolution to General Vice-President Saunders, stating: “You are respectfully requested to read the motion in its entirety and respond accordingly.” Att. 13.

15. According to DCPS procedures, a leave of absence request must be signed by the President. General Vice-President Saunders asked DCPS to approve a leave of absence without the required signature, and I wrote to DCPS explaining that, complying with the Executive Board's resolution, I was not permitted to sign off on the request. By letter dated July 9, 2010, Deputy DCPS Chancellor Kaya Henderson wrote to General Vice-President Saunders that in light of my explanation, his request for a leave of absence was being denied. The consequence of the leave of absence denial is that General Vice-President Saunders will have the option to return to the classroom when the school year begins. This fact does not affect his right to run for WTU president in the upcoming elections. I will add that had his request for a leave of absence been granted, he could be without income altogether until such time as he complies with the directives of the Executive Board's June 15, 2010, resolution.

16. I understand that General Vice-President Saunders has made the argument that his eligibility to be a candidate is affected by the action of the Executive Board to reduce his salary to \$0.000 because he must pay his WTU dues by payroll deduction. This is incorrect. As long as he remains in good standing, General Vice-President Saunders will remain eligible to run for office. Article IV, Section 3, of the WTU By-Laws reads in part: "All members except retired members shall pay their dues by payroll deduction or in full by November 10<sup>th</sup>." Putting aside the proviso that those who pay dues in full by November 10<sup>th</sup> remain members in good standing, the payroll deduction mentioned in this by-law has been interpreted and applied to mean DCPS payroll deduction.

Dated: July 20, 2010



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George Parker