



# THE ADVOCATE

February 2004

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## A Pound Of Flesh

In Shakespeare's The Merchant of Venice, a diabolical character, Shylock, makes an unthinkable demand of Antonio. He insists that Antonio pay a debt with a pound of his own flesh.

In the April, May, and November/December 2003 issues of The Advocate, the AFT raised concerns about loss of ground that NHMCCD employees faced if the Board of Trustees failed to provide an adequate salary increase for 2003/04. Dr. Pickelman says that his philosophy is that employees should not lose financial ground, and the AFT acknowledges that he fought valiantly to keep newly hired employees from losing health benefits and he proposed the \$750 stipend; however, in the end, he failed to support a salary increase for all employees, and as usual, the Board acted on his recommendation. We were then faced with, and are now coping with, cost increases in fuel and education for our children, a dramatic jump in health costs, as well as other general cost of living increases. In April, we argued that a 4% salary increase was reasonable to expect. If the Board was willing to increase the tax rate by 1.5 cents per hundred dollar valuation, they would have generated \$6.4 million. A 4% salary increase, according to Cindy Gilliam, the district's CFO, would have cost \$3 million. That would have left \$4.4 million to ease other financial stresses in the budget that had to be slashed due to cuts in state funding. The Board chose a far more conservative tax increase and told employees to tighten their belts because (read their lips) there was no money for a raise for this year.

It turns out that that claim was unfounded. I made an Open Records request of the district office regarding unspent funds each college returned for 02/03 to the district's fund balance. Below is what we found.

NHC	\$ 172,720
KC	483,349
TC	1,873,313
MC	428,878
TOTAL	2,713,156

Cy-Fair College ran a deficit of \$245,000.

Keep in mind what this \$2.7 million is. These monies are above what was reduced due to losses in state funding. They are unspent monies from the 02/03 operating budget. Each college submits monthly financial reports reflecting the percentage of its annual budget it has spent up to that month. These reports go to the Board. The exact amount of unspent funds to be moved into district surplus probably is not available until October. However, in the middle of last summer, when the board was making decisions on salaries, a number of people had to know that these surpluses were out there. For instance, how could they not know that, by the time they were making salary decisions, Tomball was approaching \$2 million in unspent funds? I am certain that the college presidents have regular conversations with the Chancellor that surely must include this information.

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## A Pound Of Flesh (cont'd)

Remember, a 4% salary increase this year would have cost \$3 million. The \$2.7 million in unspent surplus would have almost provided the funds. The difference could easily have been made up out of the 16% reserve the district maintains. Ironically, that fund balance is actually at 19% at this writing. The Board had in its power the ability to protect employees from what was, in effect, a pay cut. It turns out it was possible to protect us even without a tax increase. Citing a lack of funds, the Board authorized only a \$750 one-time stipend that did not go towards the base salary. While useful and not unappreciated, we are only kidding ourselves if we pretend the stipend was adequate to prevent employees from experiencing a serious financial hit. A pound of flesh was demanded from our employees, many who earn \$20-30,000 annually.

As the Board considers salaries for next year, they could earmark the \$2.7 million that now sits in reserves. They should also monitor unspent monies as we move through this year. One likely source is cancelled classes. For instance, the district budgets for a certain number of sections offered each semester. Based on NHMCCD's Official Day sectional analysis, in Fall 2003, 840 sections were cancelled in the district, and 899 were cancelled this semester. Conservatively, let us assume that all the 1,739 sections were to have been taught by adjuncts at the minimum of 48 contact hours. At the adjunct rate of \$34/contact hour, we have \$2.8 million.

District officials, of course, do not anticipate that every section will make. Let us assume that the expectation is 80% will make. 80% of \$2.8 million is \$2.27 million. However, some of the sections would have been taught by full-time faculty and had higher contact hours. Factoring full-time faculty and higher contact hours in, the figure would be higher. What would have happened had 80% of those sections made? The district would have spent at the very least \$2.27 million offering them. That money now sits unallocated in the operating fund.

Employees continually hear that we are the district's most important asset. Talk is cheap. The AFT believes in that view of the value of our employees, but we believe that the district should act on it. Most of us have tightened our belts on salaries well below the \$83-179,000 range. In fact, for some employees the tightening is beginning to feel more like an amputation. I constantly hear employees in conversation about how desperate they feel trying to make ends meet. They cannot afford to see a doctor or fill their prescriptions. Many struggle to make mortgage and car payments. If what we are told is true, that employees are the district's most important asset, then the Board must earmark funds and make dramatic improvement in salaries for 04/05.

Alan Hall

## The "Open" Search

As many of you know, a highly qualified candidate is being restricted from applying for the position of Vice President for Educational Programs and Resources at North Harris College because she is currently serving as the interim for the same position. She is a hardworking, dedicated employee and a highly respected member of the NHC community. Denying her eligibility for the position is not in the best interest of the college.

The administration, at one time, offered the following rationale for their decision to bar this individual from applying for the position:

1. The president would like to discuss the applicants with the interim VP. It would be a conflict of interest if she is among the applicants.
2. Allowing the interim to apply would discourage external applicants from applying for the position.
3. If the interim applies and is rejected by her own college, it will diminish her chances of getting a similar position at another college.

Here is why the above rationale is unsound:

1. The president could find another administrator with whom to discuss the applicants. In fact, it would make more sense to discuss the applicants with a permanent member of the administration who will have to work closely with the new VP, rather than discussing it with an interim.
2. How will external candidates know that an interim candidate is also applying? It doesn't seem likely that many external candidates would know this. What is more, if there is such concern about not discouraging external candidates, then all internal candidates should be barred from applying for the position. Instead, the administration claims to be conducting an "open search" that allows all external and internal candidates to apply except for this one specific person. This is not an open search, but a case of singling out.
3. It is not within the administration's purview to make career choices for its employees. This notion seems disturbingly paternalistic. More importantly, not allowing interims to apply for positions for which they are qualified will deeply



## The “Open” Search (cont’d)

the morale of all of the staff and faculty. It sends the message that NHC’s best and most qualified will not be given opportunities at their own college and should look elsewhere if they wish to advance their careers.

There are a couple of twists that make this particular case all the more troubling. This person was not explicitly told that she will not be allowed to apply for the position when she signed on as the interim. In other words, she was not able to make an informed choice. The administrator who implemented the rule publicly admitted that the rule may not have been made sufficiently clear to the interim at the outset. Should your employee suffer because you failed to properly communicate a rule that contradicts the precedent set in other similar cases? To the AFT’s knowledge, the rule concerning the eligibility of interims appears nowhere in writing in district or college policy. Moreover, the rule has clearly not been universally applied in the past. An interim college president, for example, became a permanent college president. There are also a number of administrative positions where interims have either been allowed to apply for the position or they have simply been given the position without a search. In the latter cases, the administration has argued that the interim was highly-qualified and “a perfect fit”; therefore, foregoing a search would save the college a great deal of time and expense. That argument is shamelessly inconsistent with the rule that is being applied to the current case. It seems as though the administration’s rationale changes to support an arbitrary, predetermined outcome in each case.

The administrator in question has publicly given contradictory accounts for the decision to ban the interim VP from applying. In one meeting with faculty, he explained that his decision to ban the interim was a response to “a rumor” that he heard from “a reliable source.” Not only is the notion oxymoronic, but it is absolutely appalling that a top administrator would make such an important decision based on hearsay. Early on, the interim was given the option of resigning so that she would be eligible to apply for the position. Yet this would only make matters worse. If she resigned in order to apply, then it would appear as a taint on her record. Her dedication and loyalty would be put into question. What’s worse is that offer turned out to be an insincere gesture, because it was later withdrawn by the administration!

While administrators may be busy pandering to rumors, we at the AFT have always stood for the same principles. The AFT would like to see all NHCCD employees treated fairly and equally. Arbitrary policies should not be implemented in underhanded ways that isolate and exclude particular individuals. It is misleading to call a search “open” when one of our finest colleagues is shut out. It is truly the college’s loss to not have her among the candidates. It is also of great concern that our leaders in the administration are preoccupied with image and gossip rather than with values and vision. Confidence in our leaders at both the college and district levels is based upon trust. However, as we witness stories constantly changing to veil hidden agendas and to justify subjective decision-making, our trust erodes.

Staff

## An Illogical Decision

Last year, the AFT investigated a number of complaints in the NHC custodial department. We found evidence to support many of these complaints and worked with management to address the problems. One area of concern seemed easy to fix. Before we got involved, if a custodial member working the 6:00 to 2:30 a.m. shift served on a committee or had some other work-related responsibility during the day, she was allowed to punch in at the beginning of the meeting. However, once the meeting ended, management required her to punch out and go home, and then return at 6:00 pm, punch in, and work until she had reached a total of eight hours for the day. Remember, she would have worked until 2:30 am the day of the meeting. The requirement in place was unreasonable and defied common sense. The AFT argued that, instead, she should be allowed to remain punched in at the meeting’s conclusion, work until she had reached eight hours, and then punch out for the day. Dr. Sam easily saw the logic, and we reached an agreement with

him that our proposal would become practice.

At the first opportunity to apply the new common sense rule, management failed miserably. A custodian serving on the Support Staff Council was asked to help serve at the faculty/staff appreciation holiday luncheon in December. She had worked until 2:30 a.m. the morning of the event. She arrived back on campus and punched in around 11:00 a.m., served lunch, and then helped with holiday decorations, all activities other staff members are allowed to do during their shift. One of the AFT’s goals is for custodians to receive the same treatment as other staff members. The custodian reports that she was told by her immediate supervisor to punch out by 1:30 p.m. The day before the luncheon, the custodian had explained what she would be doing for the staff council, asked to be able to remain punched in, but was told no by her immediate supervisor. The reason given was that since the cus-



## An Illogical Decision (cont'd)

would be finished by 1:30 and her shift did not start until 6:00, she would be exceeding the “three hour rule.” I had never heard of such a rule, and it certainly was not part of the union’s agreement with Dr. Sam. As soon as I learned of the problem, I called Dr. Sam who contacted Steve Megregain, and so it went—down the chain of command to the custodial supervisor who tried to reach the custodian, but she had already gone home. The custodian returned and punched in again at 6:00 p.m. Management has promised to do “something nice” for her this semester. We’ll see.

I contacted Steve Megregain to find out what this “three hour rule” was about. He said that it was agreed upon by the immediate supervisor, the supervisor of Facilities and himself to “prevent abuse.” I asked him to clarify. He indicated that there was a concern that custodians could manipulate the system, and there are a few individuals who would manipulate the system if they could. They might arrange to go to meetings in the mornings and effectively change their shift to a day shift. He cites motive in the fact that several custodians had expressed strong dissatisfaction at being moved from the 3:30 to midnight shift to the 6:00 p.m. to 2:30 a.m. shift. The custodians’ manipulating meeting times would cause management “to begin to have difficulty getting the needed custodial services adequately performed if custodians were routinely allowed to work at alternate

times, instead of working during the planned shift time.” I pointed out that, in my experience, custodians typically do not set meeting times and it would be highly unlikely that they would ever do so. I further noted that the “three hour rule” is counter intuitive--the longer between the meeting’s end and the beginning of the shift is all the more reason to follow our agreement with Dr. Sam. I emphasized that the “rule” was never part of our agreement. Steve says that he was never aware of that agreement.

I checked with Dr. Sam, and he attributed the situation to a communication problem, saying that he should have made explicit the expectation when a scenario such as this one occurs. Dr. Sam has assured the AFT that he was unaware that the “three hour rule” had been implemented and that he is committed to our agreement. The union’s goal is to have the custodial staff afforded the same dignity, respect and fairness as other employees. We remain firm in our resolve to monitor the agreements we made with Dr. Sam. The union has held up its end. It is imperative that management do the same.

Alan Hall

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## Even More Illogical: A Curious Hiring Scenario

An AFT member in the NHC custodial staff recently approached me about an unusual turn of events in the college’s hiring for two Custodial II slots. There was a rumor that management had two employees in mind for the positions and that, since the November 20 deadline for applications had expired, it would be extended so that these employees could apply. Sure enough, on November 25, the staffing committee sent an email extending the deadline to December 2. Allegedly, a supervisor called in one of the custodians, suggested that she apply, filled out the application for her, and had her sign it. The supervisor’s position is that she merely “helped with the application,” in itself a questionable supervisory behavior.

The job invitation from the staffing committee required items that one might expect--“proficiency in the use of custodial equipment, such as buffers, scrubbers, and carpet extractors.” However, the invitation also noted, “Requirements for the position include High School or GED.” A separate job de-

scription on the website states, “Educational background which provides the ability to read, write, understand, and follow both oral and written instructions.”

The AFT member who approached me has a GED and is fluent in both oral and written Spanish and English. She returned to my office after the interviews upset to report that the custodians who were hired were, in fact, the ones reported to have a lock on the positions. The curious part was that neither is as fluent in English, and neither has a GED or high school diploma. The decision to hire went from the immediate supervisors up to the staffing committee for approval.

I immediately called District HR and asked how someone could be hired in a position without possessing the minimum requirements (the college district has, in fact, let that happen several times, but they keep promising the AFT that they’re trying to quit). District HR investigated and then thanked the AFT for calling the matter to their attention. They informed



## Even More Illogical: A Curious Hiring Scenario (cont'd)

me that the offers would be rescinded and the process would begin anew.

NHC Human Resources Manager, Cyndie Burch, called to inform me that the GED/high school diploma requirement was accidentally placed in the job invitation but is not in the job description, which is the official document. Therefore, that requirement would be removed in the new round of interviews. I immediately saw a problem. Judging language proficiency is, to a degree, a judgment call. There needed to be clear criteria for determining such proficiency. Removing the GED/high school diploma requirement could have the appearance of merely manipulating the qualifications so that the erroneously hired employees would still be qualified. With that door open, and the same supervisors interviewing candidates, it was likely that the same two custodians would be hired again, and we would have accomplished nothing.

And that is exactly what happened.

Imagine our surprise.

Before the offers to the same two employees were made again, Cyndie Burch asked to meet with me to review what happened. She reviewed why the GED/high school diploma requirement had been eliminated and showed me that it was not in the job description. There were three candidates in the new round of interviews, the two original hires and the AFT member. They were interviewed by the same supervisors as before and evaluated on a point system. In the end, they were very close in the total number of points. In fact, a narrow margin separated the AFT member from one of the candidates hired. Two areas appeared to have been crucial in the point totals. One was literacy. Cyndie spoke with the immediate supervisor prior to the interviews to discuss creating a process to determine literacy, and it was agreed that a test would be devised. Cyndie acknowledged that HR did not see the test prior to the interviews. It was left entirely to the supervisors. I looked at the test and am not satisfied that it accurately assesses literacy. Based on my experience as an English teacher, I questioned the rating numbers assigned. Cyndie explained that there apparently was a "verbal test" factored into the ratings. That immediately lends more subjectivity to the numbers assigned, perhaps enough to tip the balance in favor of some candidates over others.

The second crucial area was use of equipment. The AFT member has reported to us several times that she has asked for training on the machines but is typically ignored. One opportunity for training comes with the "strip and wax" marathons between semesters. Our member says that, in spite of her requests to be assigned to the strip and wax crews, she routinely is assigned to work her regular area which limits her

opportunity to work the machines. After the assignment schedule is posted, she goes to the supervisor and again asks to be placed on a crew. Sometimes the second request is honored, sometimes not. Thus, this employee does not have as much experience with the machines, and it may well be that she did not perform as well as the other two. I don't know. I wasn't there to see that performance or witness the "literacy test." Given the flawed nature of this process from the beginning, I was skeptical about the objectivity in the interviews, a concern bolstered by a rating on a yes/no question. The desired answer to the question was "yes." Two interviewees answered with a sentence that essentially said "yes." One received a higher rating than the other on that question.

The bottom line is that I remain suspicious about the second round of interviews with a vague literacy test and what could have been biased ratings. As Cyndie Burch and I reviewed each rated item, she was able to offer a rationale on most of them, but I pointed out alternative ways of seeing many of them. I can't point to an item and say this one or that one made the difference, but collectively the process doesn't feel right.

I appreciate the work of HR, and especially Cyndie Burch, sorting through this situation. Cyndie acknowledges that mistakes were made. In fact, her main goal in meeting with the union was to talk about how to prevent mistakes in the future. She assured me that the AFT member would receive ample opportunities for training on the machines in the future which should eliminate the question of experience the next time a position becomes available. That's a step forward, but this hiring process was botched at several points and has left some employees feeling less than pleased with what has happened. HR assures us it will get better. We'll keep watching. Like Huck Finn, we've "been there before."

Alan Hall

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## Tribute to a Longtime Friend

(Dr. Olin Joynton recently left Montgomery College to accept a presidency at Alpena Community College in Alpena, Michigan. Olin was a long-time member of the AFT and the Executive Committee, as well as a former editor of The Advocate. The following is based on a tribute Alan offered at Olin's farewell reception hosted by Montgomery College.)

I first met Olin in 1975, a time before we had five colleges. In fact, we only had one, and it was mostly on paper. NHC had not been built yet, so we were operating out of Aldine High School in the evening with about twelve full-time faculty. We had heard that the college was hiring a Rice graduate student to come in to teach philosophy. NHC was far more traditional and conservative than it is today. Faculty tended to wear dress pants, shirts, and ties to class. The first night of class in the Fall of 1975, from behind the hedge, in walked Olin wearing sandals, jeans, a plaid shirt, and carrying a backpack. He looked like a cross between a hippie and a lumberjack, a fact that will illustrate in a few minutes that things in life tend to come full circle.

It didn't take long for Olin and me to become fast friends. Over time we have slogged through all kinds of personal, professional, and political challenges. Actually, on the political front we were often standing back to back protecting each other--and believe me, we needed the cover. It's been an honor to have such a friend.

One of our favorite pastimes has been hiking and camping. One trip is particularly memorable. Olin and Sandy Shugart wanted to go camping a couple of days over the Christmas holidays at Lost Maples State Park. The only catch was that a hard freeze was predicted with temperatures between 18 to 22 degrees, but we were woodsmen and weren't going to let a little dip in the mercury deter us.

When we arrived, we were surprised to find only one other tent pitched in the whole park, and its occupants left before morning. At about 4:00 pm, the park ranger dropped by our campsite to tell us he was turning off the water so pipes

wouldn't break. He wished us luck as he departed, and I suspected his real purpose in stopping by was to see if we were as insane as we appeared. I was a bit surprised anyone needed to check.

It was a bitterly cold night, but again, we were woodsmen. We came prepared and made it just fine. The next morning was cold and clear. We were three men with hundreds of acres of forest to ourselves as we witnessed a spectacular sunrise. It was a spiritual experience, and Olin and I have had many of them.

One piece of good news about his move to Alpena Community College is the area is full of hiking and camping opportunities, and Olin and I have already talked about my coming up sometime. However, recently announcing Olin's move to Michigan at a Board meeting, Dr. Pickelman said that summer lasts only six weeks in Alpena. Since Lost Maples was Olin's idea, I thought I'd better look further into Alpena's weather over Christmas break. I found that the average low temperature is about eight degrees. Concerned that a cold front might blow through, I checked to find the record low, -34. Alarmed, I pushed on to determine average snowfall. When I saw that figure, I decided that if any winter camping is to be done, I'm sending Olin alone, for he is the better woodsman.

Olin has served Montgomery College and our college district well. He will serve Alpena Community College well. As we lift our glasses high, you'll see how life comes full circle when you hear who Alpena's mascot is. We bid farewell to the academic vice president of Montgomery College, Dr. Olin Joynton, but we send an old hippie out to become the newest Alpena Community College Lumberjack.

Alan Hall



The AFT welcomes two new members to our executive committee. Nick Oweyssi has been appointed faculty vice-president at NHC to replace Tim Howard, who is on sabbatical. Laura Yates has been appointed as staff vice-president from Kingwood.



## Why Join the AFT?

For several years I have struggled with how to answer friends and acquaintances as to why they should join the American Federation of Teachers (sounds better when one just says AFT). Most people look at a union and think trouble, or dues out of my pocket, or friction between faculty and administration, or just another insurance policy. While that may sum up many viewpoints, there are other aspects to consider.

### Because We Care

First and foremost, the AFT cares about people. As individual members we care about our colleagues, our colleges and how NHMCCD is perceived throughout the community and state. We believe that all employees should have a voice in what impacts their professional lives and work environment.

### Because We Work For You

The AFT is more than a group of local faculty and staff. It is a state and national organization working to ensure that laws are passed that best reflect the interest and concerns of those individuals in the classrooms and the staff that support them. The AFT is dedicated in its cause to insure the best work, health and retirement benefits legislators can provide.

### Because We are Colleagues and Friends Working Together

The AFT believes that a student should get the best education our institution can provide and in order to achieve this goal we must combine our efforts to make our work place as pleasant and competent as possible. Working together, the AFT examines issues and concerns of its members with a focus on eliminating or rectifying distractions, whether student issues, interpersonal issues or policy issues, often behind the scenes before members and colleagues are affected.

### Because Life is not Always Perfect

No matter how hard individuals and institutions strive to blend the needs of an organization, there will always be missteps, miscommunications, misinterpretations, personality concerns and mistakes. It is those few moments in one's professional career that the AFT is there to assist its members. And it is our sincere hope that we can say we did our best in time of need.

Richard Becker

## Membership Eligibility

The AFT continues to be surprised to find staff members who are unaware that they are eligible for membership in the union. Our name is the American Federation of Teachers, but for years staff members have been eligible. Membership is open to full and part-time faculty and staff up through the dean level.

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# In Memoriam



After a long battle, Georgia Fields succumbed to illness near the end of the fall semester this year. She was not a member of the AFT. She had wanted to join, but finances prohibited her from doing so. For several reasons, the union made a decision to get involved in efforts to help her with medical bills. First, some of our members were engaged in early efforts and struggling to get organized. They sent an email out announcing the effort on Georgia's behalf and actually received some flak about use of email from an administrator. They needed someone to assist and run interference, turned to the AFT, and we were glad to help. Secondly, the group needed an organizational sponsor for some of the activities to be held on campus, and we were pleased to offer our name toward that end. Thirdly, we admired Georgia's courage. She fought hard, not just on the medical front. She took college classes and worked to improve her position with NHC, something she was able to accomplish by earning a position in the business office. Her determination and courage merited all our admiration. Finally, assisting in those efforts to help Georgia was simply the right thing to do.

## CALL FOR ARTICLES

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