



THE ADVOCATE

March/April 2005

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for Democracy —*

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The Chair Compensation Proposal Revisited

I will try and remain objective in my commentary, but I will admit that I find it difficult. I also find it difficult to understand how such a proposal making substantial changes in a job description could be passed through a committee without discussing it with those individuals who are directly affected. Imagine that a committee changed the job description in your current position—resulting in more hours and responsibilities—but offering no additional compensation. Personally, I question the ethics and the legality of this move.

First, the revised Chair Compensation proposal attaches hourly assumptions to the “duties” of the chair. The entire proposal is built around an assumption that chairs work and are compensated for a specific number of hours, and it is far above the 35 hours a week implied in a faculty contract. Dr. Pickleman has stated that hours do not apply to professional and faculty positions, a point on which labor law agrees. In fact, this proposal is in violation of Board Policy, which states that you cannot attach hours to an exempt faculty or administrative workload.

The Chair Workload proposal recognizes that Chairs work more than 35 hours a week and lists the following:

- 6 hours a week Teaching (assumes a 192 hour requirement for the year)
- 29 hours a week performing Chair duties
- 10 hours a week for which we are apparently earning our \$6500.00 stipend

Personally, I find this proposal insulting and demeaning. Chairs are required to teach a 192-hour teaching schedule per year. That is equivalent to four 48-hour classes per year,

or two per semester. The proposal assumes that if you’re teaching two classes, you only spend 6 hours a week involved in teaching activities. So, yes, I spend 6 hours in the classroom, but no accounting is made for the 15 hours or more a week spent preparing classes, constructing exams, grading exams, advising students, etc. Therefore, to that 45 hours a week (10 hours above the 35 expected in a faculty contract), we need to add 15 more hours. Now the total is 60 hours a week.

If I am working 25 hours per week over and above the expectation of a faculty contract, I am supposedly earning my \$6500 stipend for that extra work. So, we work 5 weeks in the summer and 16 weeks each semester. That works out to 60 hours a week (minimum) over a period of 37 weeks, or 925 hours over and above the expected 35 hours a week. Therefore, as a chair I am earning \$7.02 an hour for these extra duties. Student workers earn \$6.50 an hour, so I assume the extra fifty-two cents an hour is in recognition of my graduate degrees and 25 years of experience at NHC. Also, I have not included the Saturdays that Chairs are required to be on campus during registration, nor the fact that we are here the week before registration begins scheduling adjuncts, interviewing adjuncts, and handling the crises that are an everyday part of the job.

The new proposal also now demands that I teach two classes a semester, rather than the one class per semester required in the original chair proposal. I used to get paid an overload for teaching two classes, but now I don’t, and thus lose \$3264 a year. In fact, the new proposal forbids chairs from teaching overloads, except in emergency situations and with the permission of the vice president.



The Chair Compensation Proposal Revisited (cont'd.)

The Chair Pay proposal assumes a \$20 an hour payment for additional hours spent on the job, and this compensation is supposedly included in our stipend. However, if you take the 925 hours that we actually work over and above the required number of hours in our contract, the stipend should be \$18,500, or approximately three times what we are being paid.

In conclusion, if you want to attach hours to a professional position, then compensate that position fairly at an "hourly" rate. Technically, this proposal reclassifies the Chair position as an "hourly" position, and I don't think that adheres to the workforce compensation guidelines. It certainly is in violation of Board Policy.

Don Stanley
Professor of Psychology, NHC

A Brief History of the Union



In the Spring of 1980, twelve brave faculty members banded together to advocate on behalf of faculty at North Harris County College, and the North Harris College United Faculty was born. The executive committee of the new union accompanied Kevin Bailey, our first president and now state representative from District 140, to a meeting of the college's Board of Trustees. Kevin explained that we had organized a union and were interested in working with the administration and Board to create positive change. Basically, he offered an olive branch. You may have heard the Johnny Paycheck song "Take This Job and Shove It." The Board took a similar approach with the olive branch. Realizing that we were coming, a board member brought a resolution to the meeting. On the spot, he read into the record an anti-union statement which declared unions undesirable and insisted that a union was not in the best interest of college employees. The next week, while union members were still removing splinters from the olive branch, the officers were called in and told that we could not meet on campus during working hours, which the administration determined to be 7:00 a.m. to 10:00 p.m. We were forbidden to use campus mail or to talk with any other employees, including one another, about the union in any campus location "where work is conducted." Remembering George Orwell's 1984, we speculated that if the administration could have figured out how to get the Thought Police after us, they would have prohibited us from thinking about the union on campus.

Next, the administration mailed contracts to faculty members' homes. Previously, the contracts were distributed on campus, so this was a departure from the norm. Accompanying the contract was a letter reminding faculty of the new anti-union policy and that a union-free environment was in our best interest. One sentence did acknowledge that, of course, employees were free to join if we chose to do so. The administration's behavior certainly put a chill on everything. We were later astonished to learn that the college sent

a board member and two administrators at taxpayers' expense to Florida for a week to attend a seminar on how to keep unions out of colleges. So impressed were the three that they brought two presenters to NHC (the only college at the time) to teach administrators how to break the union--again at taxpayers' expense.

The twelve brave souls weren't so sure we'd ever survive such a hostile onslaught. Our families fretted that we'd be fired, and we were constantly looking over our shoulders. However, we believed passionately in the justness of our cause and fought on. Eventually, Kevin Bailey left to pursue a career in politics, and I assumed the duties of president. NHCC-UF opened membership to staff and changed its name to the Employee Federation of NHMCCD, commonly referred to as the AFT in the district. Patience and persistence paid off. We now represent faculty and staff at all campuses in the college district. We've earned the respect of the faculty, staff, and administration. We're now on our third generation of administration, a crowd more enlightened than their predecessors, and we work well with them creating the environment we began working on twenty five years ago. We've also earned the respect of our state and national affiliates. We've been recognized twice by the national American Federation of Teachers for outstanding growth. At the state level, the Texas Federation of Teachers has recognized us several times over the years for percentage growth in new members. In 2001/2002 we were the second fastest growing Local in the state. The next two years, we were the fastest growing. Additionally, our Local has been recognized for our newsletter and our political action committee. We've come a long way, indeed. To commemorate these accomplishments, we are planning a twenty-fifth anniversary celebration this fall.

Alan Hall



Legacy

When an organization reaches a milestone like a quarter of a century of operation, it is natural to look back on what's been accomplished and to look to the future, wondering what will be our legacy to future employees.

Our readers are well aware of our accomplishments, so I won't belabor them. Instead, I'll focus on legacy. We've all heard administrators and member of the Board of Trustees discuss their concerns with legacy. A common theme one hears is creating an excellent learning environment for students. This goal is worthy, one which the AFT embraces. However, sometimes when others discuss legacy, the measure of it translates into building a library, a technology center, a campus. Certainly, those facilities are necessary and important in the learning environment. The union's primary focus, however, is people. Our legacy won't be measured in bricks and mortar and computer wire. It will be measured in the environment that we have helped create. Virtually all of our activities focus on helping people. For instance, we were the organizational sponsor for the fundraising activities for Georgia Fields. We have offered our members financial assistance when they were confronted with a crisis. We are currently working with the district's benefits committee to create an employee assistance fund that will help all college employees in times of crises. We have helped employees involved in conflicts by providing mediation, conflict resolution, and representation in grievances and appeals. When a member has a weakness that needs improvement, we provide mentors to help the member improve. We work with the administration to secure fair, humane outcomes for employees. We have stopped several instances of sexual harassment and abuse of power. When employees suffered financial hardship from increased health costs and no raise last year, the AFT moved out on point advocating a significant raise for this year. Time and time again, the AFT has been the leading voice in employee advocacy. The administration and Board clearly have a great deal of power. The union contributes to a system of checks and balances that is in the best interest of employees. Many times, the AFT has stepped into the arena and was victorious. It hasn't always been easy; there were times we were painfully bloodied. However, each time we've lived to fight another day, and there is value in that fact. Teddy Roosevelt, in a speech to the Hamilton Club in Chicago in 1899, said, "Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor souls who neither enjoy much nor suffer much, because they live in the gray twilight that know not victory or defeat."

Our legacy to AFT members twenty five years hence will not be in bricks and mortar. It will be in the courage and power of a collective voice willing to take a stand in a just cause.

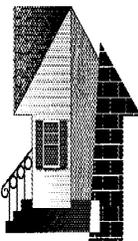
Alan Hall

Membership Eligibility

Membership in the American Federation of Teachers (AFT) is open to full and part-time faculty and staff up through the dean level. If you would like to join or find out more information about membership, please contact any of the officers listed on page 8 of this newsletter, or check out our online information and application at www.aft-nhmccd.org.

Monthly AFT Dues	
Full-time Faculty	\$27.05
Full-time Professional Staff	\$23.50
Full-time Support Staff	\$19.90
Adjunct Faculty & Staff	\$10.00

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USE THIS AD IN MARCH



It Would Have Cost Them Nothing

Tomball College recently had several faculty on single year contracts who were non-renewed. It's always troubling to witness such an event, but one case in particular is especially disturbing due to undue resistance and apparent insensitivity on the part of the administration.

A faculty member there received an evaluation in May 2004 that rated the employee as meeting or exceeding expectations in all areas. The supervisor did make some suggestions about increased interaction with colleagues, setting priorities, and meeting deadlines. However, even in these areas the employee was rated a 3 (average). In all other categories the ratings were 5 (did very well). The employee felt that there was nothing about which to be alarmed. The employee recalls at least one verbal exchange with the supervisor where the supervisor expressed similar concerns, but, again, the employee did not have the sense that this situation was serious.

However, that impression changed in November 2004 when the employee received an "Employee Written Reminder" that laid out a number of concerns that the employee allegedly had been warned about, accompanied by a threat to the employee's contract status if the perceived weaknesses were not corrected. The "Written Reminder" did not specify minimum acceptable outcomes, nor did it provide a timeline for follow-up. Further complicating the issue were two problems. First, during the initial six months of employment, the employee was undergoing debilitating treatments for a life-threatening illness. Full recovery from this illness is never more than hypothetical, and it is an illness which can be triggered by stress. In fact, because of supervisory complaints regarding absences, the employee often came to work ill and delayed important tests so as not to miss work. Second, the employee has an ADA protected disability that makes it difficult to improve the three areas of concern listed in the evaluation. I recommended that the employee contact Human Resources regarding the need for reasonable accommodation. The employee had not requested accommodation up to this point out of a desire to avoid special treatment. Moreover, until November of 2004, the employee did not know that his/her work performance was considered less than acceptable. The accommodation process included an initial meeting with HR, visits to health care professionals, and development of a plan for reasonable accommodation, all of which took some time to complete.

Finally, a meeting to discuss accommodations was scheduled for February 8, 2005. Attendees would be a representative from District HR, one from Tomball HR, two supervisors, the employee, and myself. However, on the day before that meeting to establish ADA accommodations to help improve areas in which the employee had been rated as average in the evaluation, the employee was called in and told that non-renewal was being recommended. We went ahead with the accommodation meeting and reached agreement on what accommodations were reasonable for this employee.

However, even with reasonable accommodations in place and improvement anticipated, the employee would not be renewed for next year in spite of the supervisor's acknowledgement of the many talents and skills the employee possesses. The union was troubled. The administration trotted out the old "not a good fit" line. What that comment usually means is that there is a personality conflict. In fact, this situation seemed muddied by such a conflict from the outset. It's my understanding that at least three other high caliber employees have left the department due, at least in part, to such a conflict.

I contacted a Tomball faculty member familiar with the players in this situation, someone who is known to be credible and fair. When asked for an opinion as to what was going on, and without any leading from me, the faculty member offered the following about the non-renewed employee: "_____ always goes above and beyond the call in working with students and faculty [. . .]. The situation appears to be the result of a personality conflict and has nothing to do with quality of work."

In the past, the AFT has been involved in other cases where the waters were muddied by personalities or other circumstances. In those situations, we proposed compromises such as the one offered to the Tomball administration outlined below. We offered such compromises three times in the last four years, and each time the employee was successful and remains employed with the district.

In this case, I approached Dr. Judy Murray, VP of Instruction at Tomball, with the following proposal:



It Would Have Cost Them Nothing (cont'd.)

Proposal

Given the circumstances with _____, it seems to me that the humane things to do are the following:

_____ would sign an agreement that _____ has been notified of the intent to non-renew and waives any right to appeal on timely notification.

With the accommodations in place, the administration would give _____ three months to show that _____ can adequately perform the functions of the job.

If _____ fails to improve, _____ would submit a letter of resignation effective August 31, 2005 [the end of this year's contract].

If _____ improves adequately, the college would offer _____ a one-year contract to provide one more year to observe _____'s work performance. If _____ fails to demonstrate adequate improvement after one year under the accommodations, _____ would resign in August 2006. If _____ demonstrates adequate improvement, _____ would move to a continuing contract.

Dr. Murray was exceptionally cordial, listened carefully, and, while she was not immediately convinced, she agreed to discuss the proposal with her president, Dr. Hawkins. Per her request, I followed with a written version which she received late on a Wednesday. The next day, Thursday, Dr. Hawkins was out of town for the remainder of the week. When he returned, she met with him and then notified me that they did not "think the proposal is in the best interest of Tomball College [. . .]. Therefore we are not willing to support it." The AFT appreciates Dr. Murray's willingness to listen, at least consider the proposal, and take it to Dr. Hawkins. We are dismayed to have run into a wall at the president's level.

At the suggestion of his/her supervisor, the employee reports meeting individually with various decision-makers in order to exchange information. **The employee was interested in providing the decision-makers with information from persons who, unlike the decision-makers, had direct experience with this employee's work.** The employee was also interested in explaining the AFT proposal and in addressing any objections to the proposal. Thus, the employee provided each decision-maker, including Dr. Murray, with letters of support from several leading Tomball faculty. Dr. Murray did not, however, examine the letters during the meeting. Instead, Dr. Murray informed the employee that she and Dr. Hawkins had discussed the issue earlier that day and had decided to reject the AFT proposal. Dr. Murray was steadfast in communicating the decision. She did not articulate specific objections to the AFT proposal. The employee, who had scheduled an appointment with Dr. Hawkins for the following day, emailed the letters to him in advance of the meeting. At the time of their meeting, Dr. Hawkins told the employee that he had read some of the letters, but that his decision on the matter had not changed. Dr. Murray informed the employee by email that she had read the letters after the meeting. Nevertheless, the administrative decision was unchanged.

In most grievances and appeals, the administration demonstrates a tendency to circle the wagons--to support decisions made by supervisors below them no matter what. That behavior ultimately seems to have been exhibited in this case by Dr. Hawkins. The proposal made by the AFT offered the administration a just and humane approach to dealing with this situation. After three months of observation with the accommodations in place, if it did not work out, the employee could still have been non-renewed. To take that humane course of action--to have given the ADA accommodations some time--would have cost the administration nothing.

Alan Hall



Surplus Funds

In the February 2004 issue of *The Advocate*, we revealed that an Open Records request to DSTC by the AFT showed that four of the five colleges in the district returned money for the 02/03 budget year in the total amount of \$2.7 million (see the February 2004 issue for details). Recently, the AFT submitted another Open Records request to DSTC for information regarding returned funds for the 03/04 budget year, and we received the chart below, which reveals that all colleges returned a surplus to the fund balance except NHC, which ran a deficit. The chart, which shows both revenues and expenditures, may not make a lot of sense unless you have extended knowledge of how the budget process works in our district, but the bottom line is that four of the five colleges ran a surplus in the total amount of \$2.5 million: Kingwood returned \$341,740; Montgomery returned \$380,116; Cy-Fair returned \$448,523; and Tomball returned a whopping \$1,376,305. North Harris ran a deficit of \$653,636. In light of this information, the AFT finds it disturbing that employees continue to be reminded of the budget crunch the district finds itself in. Surely there are needs on the campuses not being met for which this money could be spent.

	NHC	KC	TC	MC	CFC
Budgeted Revenues	\$9,801,265	\$4,893,830	\$5,964,475	\$4,914,999	\$7,451,911
Actual Revenues	\$8,711,785	\$4,959,850	\$5,344,671	\$5,103,980	\$6,377,244
Budgeted Expenditures	\$32,185,747	\$16,567,353	\$20,347,667	\$17,739,113	\$22,367,697
Actual Expenditures	\$31,749,903	\$16,291,633	\$18,351,558	\$17,547,978	\$20,844,507
Net Returned to Fund Balance	(\$653,636)	\$341,740	\$1,376,305	\$380,116	\$448,523

Why Join the AFT? Member Testimonials

In the past, we've routinely run an article entitled "Why Join the AFT?" which focused on reasons to consider joining your local union. As a part of this focus, beginning with this issue we will periodically feature testimonials from some of your co-workers in the district who would like to share how being a member of the union has specifically helped them in some way. Because some of the details mentioned may be of a delicate or confidential nature, testimonials may be anonymous, unless the member specifically requests otherwise. If you are interested in sharing your own experience in a future issue, please contact any of the officers listed on page 8 of this issue.

The AFT has been improving the lives of workers quietly, behind the scenes, for many years now. I learned just how effective the union can be when I experienced a health problem that made my job much harder for me. I was struggling to keep up with the coursework, and sought help from the administration in the form of an unpaid course reduction. The administration was no help, despite letters from my doctor requesting a medical accommodation. Then I turned to the union, and the union leader quietly went to work on my behalf. To my amazement, my request was granted so that I may remain at my job on reduced pay. To me it was a miracle, and it made working possible again for me. Then, I asked if I could tutor in the learning center, and the administrators again barred my way, saying I should not have the rights of a full time employee. When I mentioned this to union leaders, I was told that the union would talk to human resources for me. Again, I was astounded to learn that the union had once again succeeded in helping me and improving my life. My teaching and my life have been greatly improved through the efforts of the AFT. I am very lucky to be a member of this union.

Professor, NHC

I have been a member of the union for 21 years. I like to compare my union membership to having health insurance. When we have a cold or minor ailments, we take health insurance for granted. But when we have a major illness, or a medical emergency, we are very thankful to have a safety net. I know that I can always get expert advice from the union for any concern, be it big or small, or to discuss issues of concern to all of us. When I have had major or a minor crises, the union has always advised, supported me and given me suggestions. The union has also helped to bring about many improvements, such as increased salaries, definition of workloads, sabbaticals, representation. Union membership is a must have for me, and for all of us.

Bertha Parle
Professor, Foreign Languages
NHC





Campus Updates

NORTH HARRIS COLLEGE

The AFT recently advised two members in an EEOC situation and is currently working with an employee on a health insurance matter. Some work has been done in resolving the ongoing custodial issues; however, we are now waiting on three documents promised to us by the administration that reflect the understanding we reached with Dr. Sam several months ago.

Nick Oweyssi

KINGWOOD COLLEGE

The Kingwood College AFT and Department of Student Services co-hosted Bryan Barrows and his presentation, "Who was Martin Luther King"? The AFT would like to thank John Turner, Director of Student Services at Kingwood, for his help in making this presentation possible. The students, faculty, and staff that attended were all moved by the performance. It was great having Bryan back at Kingwood where he started with the college district. We are already making plans to bring him back next year. Several faculty and staff have requested information on the AFT, and we are looking forward to having our membership grow.

Rich Almstedt

MONTGOMERY COLLEGE

The AFT has been involved in several issues involving Montgomery faculty and staff. We joined the voices of the dept. chairs regarding the 46-hour work week wording in the chair compensation document. The wording was taken out. The AFT is also advising a faculty member about how to address concerns with the division dean. The AFT will be representing the faculty member in meetings regarding these concerns. The AFT was made aware of a situation involving another faculty member and the campus police. The AFT will also represent this faculty member in meetings set to resolve the situation. The AFT has been closely following a staff member's concerns and attempts to resolve issues with co-workers and the administration. The AFT is now involved and will represent this member in meetings.

Julie Alber

TOMBALL COLLEGE

All is quiet on the Northwestern Front. It appears that truce reigns and the trenches and sandbags have temporarily ceased being dug and filled. Since we last met in print, the particulars over contract issues have been resolved, and all parties are moving forward as agreed. Unfortunately, not all issues met with success, but several issues came to the attention of the union too late for any productive input. So, at the moment we are at that point in the semester where students, faculty, and administration are relatively at ease with the life and processes of education.

Richard Becker

We have continued to work on issues in the custodial area. Though management and staff have both been cooperative and willing to work on the issues, we have found that some of the promises made in previous meetings have not yet been kept. We will be meeting soon with management to help them take steps to improve the situation.

We are also working on three other issues, two involving annual reviews that were not completed in a timely fashion or turned in appropriately. District policy calls for regular reviews of all employees, not simply conversations or email between supervisor and employee. We are working with supervisors and managers on campus to review situations in which employees did not receive this timely, formal feedback.

A final issue that we are following concerns conflicts based on misunderstandings about the role of supervisors and coordinators. This is a volatile issue, one we will be following closely. Our hope is that it will be resolved in a fair and timely manner to avoid potential future conflict.

I encourage everyone to let me know if you have any issues or concerns with which I can help. Remember, members – you have the right to contact me before attending a meeting, writing a response, or signing a document. I'm here to help with even minor concerns. We're working, but there's more we could do – if you let us know!

Sandra Elliott





Membership Has Its Benefits

The union encourages employees to join because they believe that college employees should have a voice in their professional lives. We don't encourage employees to join because they anticipate conflict or are already engaged in a conflict. In fact, if they are already embroiled in a situation, we are unable to help them. It is all too common for someone to approach the AFT and say something like, "I've been an employee for the district for several years, and I've just recognized the importance of joining." Typically, following that comment is, "I'm in trouble and need help." I finally lost track of how many times in the last year I've had to say, "I'm sorry, but member benefits don't cover anything that pre-dates membership." The individuals to whom I had to say that were invited to join and provided some advice on how to proceed with their situation, but assistance ended there. Were they members, a host of benefits would have been available. The AFT provides its members with advice and guidance as well as representation in conflict resolution and grievances. We have our own local attorney and can seek legal advice and counsel for members. We maintain a local legal defense fund. In addition, membership dues include, at no extra charge, \$8 million in professional liability insurance for claims arising out of professional activities.

Most of our members don't join because they believe that they may need the AFT's help in a conflict. They join because they believe in the values of the AFT— that employees should be treated with dignity and respect, that employees should help each other, that employees should have a voice in their professional lives, that employees deserve fair pay and good working conditions, and that the district needs a system providing checks and balances. They join because they want to support an organization that helps others in so many ways. A nice benefit is that, if they do need help, it's there for them.

If you believe in these values and are not a member, now is the perfect time to join. The AFT advocated effectively for the raise employees received this year. The annual membership dues are a small percentage of the raise. If you believe in our values, take action now and join the AFT.

Alan Hall

CALL FOR ARTICLES

We invite all employees to send us their opinions, news, questions and so forth. The Advocate is a forum for information and free interchange of ideas. Send your articles to Dawn Baxley, Editor, MC, or e-mail: dawnb@nhmccd.edu, or submit to any of the other following officers:

Alan Hall, President	North Harris College	ACAD 217-G	ext.5544
Velma Trammell	North Harris College	WNSP 174	ext. 5612
Nick Oweyssi	North Harris College	ACAD 221-A	ext. 5547
Bob Locander	North Harris College	ACAD 270	ext. 5592
Allen Vogt	North Harris College	ACAD 264-C	ext. 5583
Vivian Brecher	North Harris College	LIBR 114	ext. 5403
Rich Almstedt	Kingwood College	FTC 100-G	ext. 1656
Laura Yates	Kingwood College	SFA 113-D	ext. 1414
Richard Becker	Tomball College	E-271-D	ext. 1835
Julie Alber	Montgomery College	SSC 205-A	ext. 7241
Sandra Elliott	Cy-Fair College	HSC-117-F	ext. 5256



**Join the AFT
Call Alan Hall
281.618.5544**

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