

The Advocate



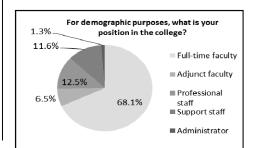
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Build-a-Chancellor

No one has a better understanding of Lone Star College than the employees who work in the trenches day by day, each in their own way, to make sure our students have an excellent education. Therefore, when we learned that the system would be searching for a new chancellor, the AFT wanted employees to have an opportunity to provide their insights into the qualifications, characteristics, and priorities they want to see in our next leader. We created a survey and made it available online to all employees: full time faculty, adjunct faculty, professional and support staff, and administrators. To have a little fun with the process we called our survey "Build-A-Chancellor." The results were submitted to the Board of Trustees at their April meeting and have also been submitted to the search firm, Gold Hill Associates.

The responses to our questions are shown in the following charts. In addition to the objective questions we asked, we gave employees the opportunity to write comments of their own. Well over a hundred employees chose to share their thoughts with us. The entire collection of comments may be viewed on our website,

www.aftlonestar.org. A small sample of those comments is included at the end of this article.



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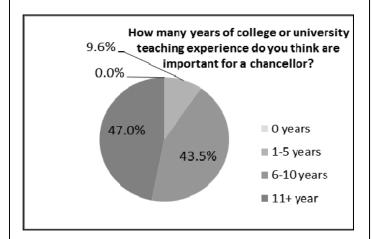


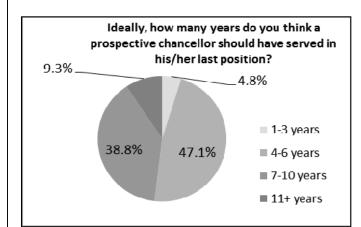
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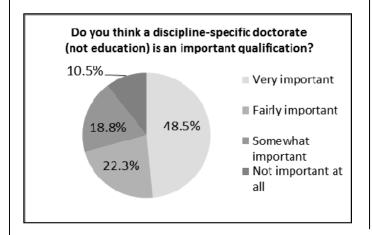


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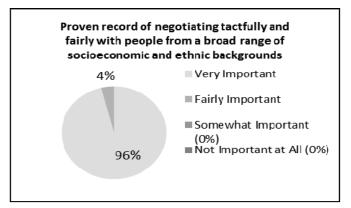
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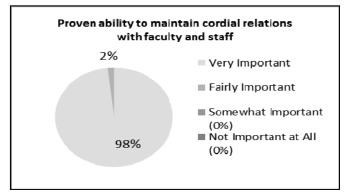


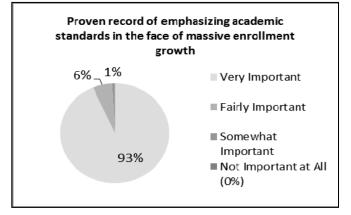


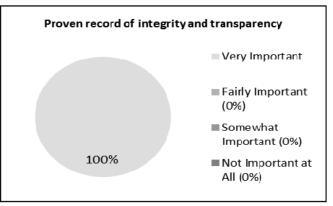


How important are the following in the new chancellor?





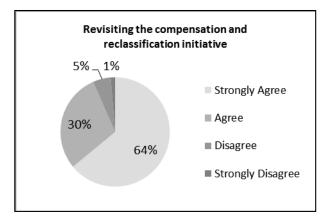


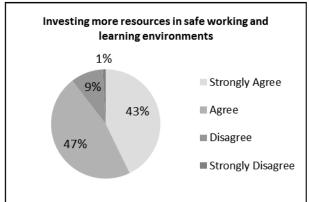


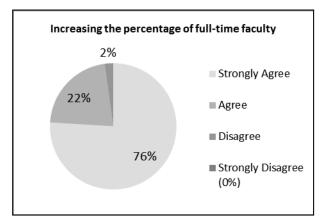


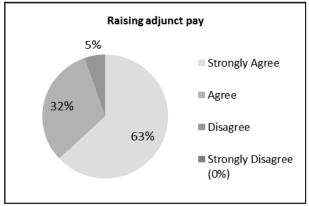
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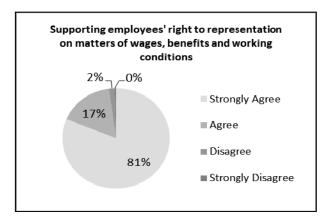
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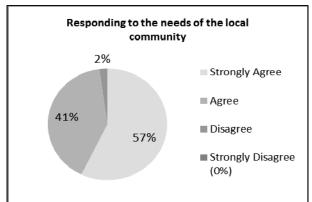












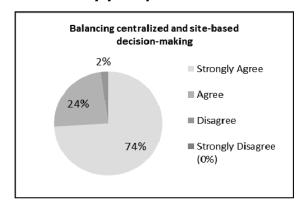


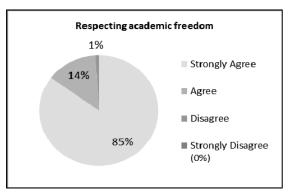


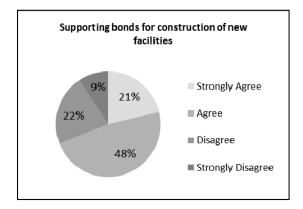


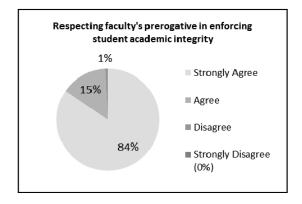
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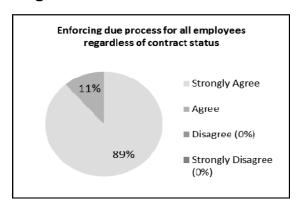
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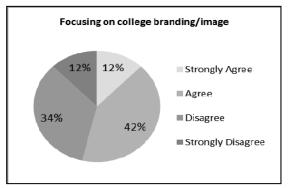


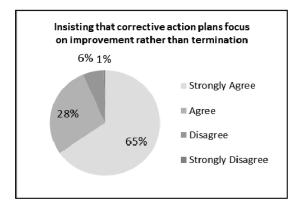


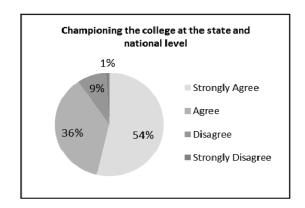














Selected Comments from The Survey: (For the full list of comments, go to www.aftlonestar.org)

"[We need someone] who does not focus on running the system on a 'business model' but instead focuses on well-rounded education."

"This chancellor should be equal and fair to all employees of the LSC system."

"I can't stress enough the need to have an intellectually strong chancellor, someone who comes from an academic discipline other than education."

"The best thing we could do is seek leadership outside of the community college leadership movement. We need fresh ideas and a deep understanding of what an academic community should look like if we are truly going to 'reclaim our college.'"

"[We need a true] open-door policy where if the lowest level employee needs to speak with him, that individual may obtain an appointment within a reasonable time period."

John Burghduff Professor of Math, LSC-CyFair

Salary Compression

At the beginning of this school year, a number of sweeping changes in the compensation and classification structure for employees of Lone Star College were implemented. The AFT has written about a number of these in *The Advocate* and we have spoken about them in LSCS Board meetings. In addition to the overt impact of these changes, there was some less obvious collateral damage.

In this article, we'd like to highlight the issue of "salary compression." Although this is a somewhat subtle problem, we can illustrate the effects clearly.



One of the changes made in Fall, 2013, was to update the salary schedules for new hires. The new salary schedules for

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all employees were posted at www.lonestar.edu/salary-schedule.htm in the fall. Salary schedules for staff have been taken down, but faculty schedules are still posted. These schedules had not been updated in quite a few years and an increase in initial faculty salaries was definitely needed to keep LSCS competitive with other colleges.

An important change for faculty is that the schedules were updated to credit new hires with up to 7 years teaching experience instead of the previous maximum of 5. Because of this improvement for new faculty, the salaries of faculty a year or two into their careers at LSCS would have been below those of new hires. The college rightly raised those salaries to the new schedule and then granted this year's cost of living increase.

The problem is that mid-career and senior employees whose salaries had already increased above the new schedules did not get a "bump" in salary commensurate with the increase set for new employees. This resulted in a "compression" of the pay scale. Is this a minor discrepancy that tends to even out over time or is this compression significant?

Let us give you a case in point. A mid-career professor with a Ph.D. generously shared with us a complete accounting of all the salaries she was paid each year since she was hired 12 years ago. She is on a 10.5-month contract. Her salary this year is \$69,376.¹

If someone with the same academic credentials and the same number of years teaching experience were hired new this year, his or her starting salary would have been \$66,297. Actually, this new hire would have been given this salary even if he or she had five fewer years teaching experience.

For 12 years of service, this employee is rewarded with only \$3,079 more in salary per year than a new hire. Stated another way, this employee's salary is only 4.6% higher than a new hire in spite of all the cost of living allowances over the 12 years.

This is what salary compression looks like, and the same issue will affect every mid-career and senior employee. Calculating a fair adjustment to help alleviate this issue will take some work and commitment. The AFT strongly recommends that this be a budget priority in the next year. We will continue to monitor this issue and report back as new information is available.

John Burghduff Professor of Math, LSC-CyFair

- 1. Salary data provided by employee.
- 2. http://www.lonestar.edu/departments/ humanresources/ Fac 10.5 202 days.pdf



Adjunct Teaching Load, Revisited

In the February issue of *The Advocate*, we reported on how a perfect storm of changes in federal and state law and college system policy was shaking the workloads, and ultimately the livelihood, of part-time workers at Lone Star College. Perhaps the most dramatic impact was on the teaching load of adjunct faculty.¹

Because the situation is still in flux at the federal, state, and local levels, the AFT would like to provide an update. In this article, I focus specifically on how these changes impact adjunct faculty.

Federal Level

As reported previously, the Employer Mandate of the Affordable Care Act (ACA) requires that employers with 50 or more employees provide health coverage to anyone who works 30 or more hours per week. The U.S. Department of the Treasury, and in particular the Internal Revenue Service, is mandated with setting specific criteria and monitoring compliance with this part of the ACA. In professions like teaching, where work weeks vary throughout the year, Treasury permits a "look back measurement method" under which an employer calculates the average number of hours worked per week over a "measurement period." If the average number of hours taught per week during the measurement period is 30 or more, the employee is eligible for health benefits under ACA. The employee would receive these benefits over a "stability period" that would follow the measurement period.2

Lone Star College System chose an initial measurement period of September 1, 2013 – May 31, 2014. Since this period is nearly over, I will focus on future measurement periods. Beginning in the fall, the measurement and stability periods will be the same as LSCS fiscal years (September 1 – August 31). An adjunct who averages 30 or more working hours per week from September 1, 2014 – August 31, 2015 will receive health coverage for September 1, 2015 – August 31, 2016.

Specifically relating to adjunct instructors at colleges and universities, Treasury noted that institutions should include a reasonable amount of time for class preparation, grading, etc., in calculating hours worked per week in their determination of eligibility for ACA. Until recently, however, there were no specific guidelines from Treasury for calculating hours of service above and beyond time spent in the classroom, lab, or clinical setting.

The lack of specificity in calculating adjunct workload raised many concerns from colleges and universities. In February 2014, as the previous edition of this newsletter was being readied for publication, Treasury released a "Fact Sheet"

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suggesting a "bright line" approach to calculating adjunct workload. This is a recommended guideline, but colleges that follow it can know that Treasury will consider them to be in compliance with ACA requirements, at least through 2015. This "bright line" reads as follows:

Treasury Department and the IRS have determined that, until further guidance is issued, one (but not the only) method that is reasonable [for the purpose of calculating adjunct faculty workload] would credit an adjunct faculty member of an institution of higher education with (a) 2 & ¼ hours of service (representing a combination of teaching or classroom time and time performing related tasks such as class preparation and grading of examinations or papers) per week for each hour of teaching or classroom and, separately, (b) an hour of service per week for each additional hour outside the classroom the faculty member spends performing duties he or she is required to perform (such as required office hours or required attendance at faculty meetings).4

Lone Star College has decided to adopt this suggestion, and the AFT agrees that is the most reasonable course of action at this time.

To see how adjunct workload would be calculated, let's look at a couple of examples. This will be a math word problem, which makes the author of this article very happy, but may not appeal to everyone else. If readers will humor me, they'll see that these examples make an important point. In particular, let's look at adjuncts who teach the maximum number of classes allowed under the old teaching load guide approved by the Lone Star Executive Council in 2009 and used before this semester.⁵

Example 1: An English Adjunct

Under the previous LSCS guidelines, an English adjunct could teach three, 3-credit-hour classes in the fall and three more 3-credit-hour classes in the spring. During one of these long semesters, an adjunct would be in the classroom for 9 hours a week. When we multiply 9 by the Treasury Department's "bright line" suggestion of 2 1/4, we get 20.25 work hours per week during a long semester. The total number of hours taught over the course of the 16-week semester is 324 hours.

Theoretically, an English adjunct could also teach a class in the Winter or May Miniterm. To calculate work hours per week, one has to consider actual time spent in class per week in one of these sessions. The 3-credit-hour miniterm classes typically meet 15 hours per week which, applying the Treasury suggestion, translates to 33.75 work hours per



week. At first, that sounds like a red flag because that is more than the 30 hour threshold that would make an employee eligible for health benefits. However, remember that eligibility is based on average number of hours per week over the entire reporting period (which will be a year at LSCS.) Over a three-week miniterm, an adjunct would be credited with 101.25 work hours.

Besides miniterms, an English adjunct could also teach two, 3-credit-hour classes in the summer. Typically each class would meet 8 hours per week or 16 total hours per week for two. Under the new suggestions, that translates to 36 work hours per week. Over a six-week session, there would be a total of 216 work hours for an English adjunct teaching two classes.

Table 1 shows the total number of hours an English adjunct would work in a year if given the maximum possible teaching load.

To get the average number of hours per week, divide the

total by the number of weeks in a year. An interesting wrinkle is that we only have to count the number of weeks in a

TABLE 1 English Adjunct

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year in which an instructor could teach. For example, there are no classes running during the two in-service weeks before the long semesters, and there are no classes running during spring break. The AFT calculates 49 workable weeks per year. System HR announced that they calculate 42 workable weeks per semester. Apparently, they assume that miniterms are not available to adjuncts and they count the summer as 10 weeks although, in fact, it actually runs for 11 weeks.

If we use 49 workable weeks, the average workload for our hypothetical English adjunct is 21.8 hours per week. Under the 42 workable weeks assumption, he or she would work 25.4 hours per week. The crucial point is that neither of these calculations would get an adjunct to the threshold of 30 hours per week to trigger health benefits under the ACA.

Example 2: A Biology Adjunct

In a long semester, almost all Biology courses meet three lecture hours per week and three lab hours per week. We'll assume that our hypothetical adjunct will only teach these lecture/lab courses. Because these courses are not taught during miniterms, this adjunct would only teach in fall, spring, and summer.

Session	Classroom Hours Per	Classroom Hours	Number of	Number of Weeks	Total Number of
	Week Per Class	Per Week X 2.25	Classes Permit-	Per Session	Hours
Fall Semester	3	6.75	ted 3	16	324
Winter Miniterm	15	33.75	I	3	101.25
Spring Semester	3	6.75	3	16	324
May Miniterm	15	33.75	I	3	101.25
Summer Sessions	8	18	2	6	216
Total					1066.5

TABLE 2 Biology Adjunct

Session	Classroom Hours Per	Classroom Hours	Number of	Number of	Total Number of
	Week Per Class	Per Week X 2.25	Classes Permit-	Weeks Per Ses-	Hours
			ted	sion	
Fall Semester	6	13.5	2	16	432
Winter Miniterm	0	0	0	0	0
Spring Semester	6	13.5	2	16	432
May Miniterm	0	0	0	0	0
Summer Sessions	16	36	I	6	216
Total					1080



Counting 49 workable weeks per year, the Biology adjunct's average workload would be 22.0 hours per week. Counting 42 workable weeks, it would be 25.7 hours per week.

This same calculation would need to be made for every discipline. Like the English and Biology examples above, for most disciplines the workload guidelines we had been using before the fall would keep adjuncts under 30 hours. Some workforce adjuncts teach more contact hours per week so their yearly averages would also need to be meticulously calculated to ensure compliance.

State Level

There have been no changes in state guidelines since our last article although there are things we can clarify. To recap, the Texas Administrative Code says that employees who work 20 or more hours per week are eligible for the Teacher Retirement System. TRS eligibility gets an adjunct two important benefits: (1) membership in the Employee Retirement System Group Benefits Plan which provides health benefits and, (2) a higher rate of employer contribution into his or her retirement program.⁶

We will start with the Group Benefits Plan. Although the ACA does not require that an employer pay health benefits to employees unless they are working 30 or more hours per week, the Texas Administrative Code mandates that state employees will receive benefits if they work 20 or more hours per week. To decide if an employee is eligible for this benefit, the college looks at the hours that employee works at Lone Star only; we do not need to concern ourselves with employment elsewhere. The extra cost to the college for adding health benefits to an employee is very significant.

Regarding retirement, Lone Star College contributes a certain percentage of every employee's pay to a retirement account. For adjuncts, that percentage is 1.3%. However, if an adjunct works more than 20 hours per week, that rate increases to 6.8%. The higher retirement benefit translates into an increased cost to the college of \$104.94 for each 3-credit-hour course.⁶

The extra caveat is that, for the retirement benefit, the college must consider the total number of hours worked at all TRS eligible institutions. This includes all community colleges, public universities and independent school districts across Texas. Because many, if not most, of our adjuncts work either part-time or full-time at one of these other schools, we can expect that a large number of them are eligible for this higher reimbursement. If an adjunct's total workload is 20 or more hours summed over all of his or her TRS eligible employers, all of those employers must pay the

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higher rate. This is a clarification; when we wrote our previous article we were under the impression that only the institutions that put the adjunct over the 20-hour mark would be responsible.

Clearly, this is an issue for the hypothetical English and Biology adjuncts described above. Although the calculations made under the new ACA suggestions gave results under 30 hours per week, both are over 20 hours per week. However, prior to the release of the new Treasury Fact Sheet, the Texas Administrative Code had already set a workload rate of 2 hours for each hour in class, rather than 2.5. The Texas Administrative Code has not been changed so the 2 hour rate is the one under which TRS eligibility must be calculated

If one makes this adjustment and counts 49 workable weeks per year, the average weekly workload for the English adjunct would be 19.4 hours. The average weekly workload for the Biology adjunct would be 19.6 hours. In both cases, the adjunct's workload slides just under the wire. According to another plausible reading of the rule, it would be acceptable to count credit hours per week rather than actual hours in the classroom and multiply that number by 2. This has no impact on the English adjunct, because his or her contact hours in a long semester and credit hours are the same. Biology classes are 4-credit-hour courses, even though the total class time and lab hours in a long semester are 6 per week, which means that, by this method, average weekly workload would be even lower (13.1 hours per week if averaged over the year).

Now, if one uses the college's counting of 42 workable weeks per year, the calculated numbers of work hours for these disciplines are higher: 22.6 hours per week for the English adjunct and 22.8 hours per week for the Biology adjunct. The AFT believes that 49 weeks more accurately describes the reality of what is actually happening at Lone Star College.

Some may argue that, since the federal government has adopted a ratio of 2.25 work hours for each hour in class or lab, the state will follow suit. That might be true, but since the 2.25 rule is only a suggestion, and is only guaranteed through 2015, we cannot be certain. For right now, the rule that is actually on the books is 2 hours work for each contact hour. It makes more sense to follow the law as it actually is, rather than as it might be at some time in the future.

Lone Star College System Level

Since the last article on adjunct workload, there has been a commitment and a change at the System level.

The commitment, announced by LSCS Human Resource Director Ronda Rotelli, is that the college will continue to em-



ploy and pay the higher retirement rate for adjunct faculty who teach at other colleges. To discriminate against an adjunct based on his or her employment status elsewhere would have been cruel on the one hand and legally questionable on the other hand. The AFT is pleased that the college has made this commitment.

As we pointed out in our previous article, the college system changed the policy manual in December to limit adjunct employees to no more than 9 credit hours per semester, not to exceed 15 hours in any given academic year.⁸

As we also pointed out then, the Board of Trustees voted on that policy change without the normally required two readings. The AFT warned the Board to be more cautious so that interested parties could study these problems more carefully and identify ways to minimize impact to adjunct faculty. (Please see our previous article for details.¹)

Most importantly, we pointed out in our previous article that the new workload restrictions are not necessary to comply with either federal or state regulations. Based on the teaching load guidelines and system policy already in place, adjunct faculty hours would not require LSCS to pay for health benefits or increase retirement payments. Even with the recently suggested 2.25 guideline, these new restrictions are unnecessary. Unfortunately, many adjuncts' livelihoods will be profoundly affected by a hastily adopted and unnecessary policy change.

Almost immediately after the new policy was announced, Rotelli announced a clarification in a March meeting. Historically, "academic year" had meant Fall Semester, Winter Miniterm and Spring Semester. An adjunct would be restricted to 15 credit hours total through these three sessions. However, adjuncts would also be able to teach one class in May Miniterm and two in the Summer as these are not part of the academic year. But in March, Ronda Rotelli announced that the 15 credit hour restriction would now apply to Fall Semester, Winter Miniterm, Spring Semester and May Miniterm. For summer, we would follow the old rules that were approved in 2009 for each discipline. 5

This latest iteration of system policy strikes another blow to the hours our hypothetical English and Biology adjuncts can teach.

Under the new policy, the English adjunct has to give up a class in either fall or spring, and would have to give up teaching in either miniterm. This reduces the total number of classes that adjuncts can teach from 10 to 7 per academic year, for a loss in potential income of \$5724.

The Biology adjunct sees his or her workload reduced from a potential of 5 classes per academic year to 4. But because biology classes have both lecture and lab components, his or

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her income is reduced by \$3816.

In that meeting, Rotelli also announced that departments could ask their college presidents for exceptions to the new rule. Unfortunately, this approach will likely cause inconsistencies across departments and colleges and creates uncertainty about what will or will not be approved. Our former policy gave clear direction that accounted for the uniqueness of every discipline. Because of its rigidity, the new one will probably need to amended or replaced to avoid scores of special exceptions.

For all of these reasons, the AFT continues to recommend that LSCS return to the 2009 guidelines, monitoring them carefully for compliance with all federal and state rules. If those rules continue to evolve, as they probably will, further adjustments can be made. In the meantime, our adjuncts' earning potentials can be maximized.

Ultimately, the long-term solution is to provide more full time faculty positions, and the benefits associated with them, for our adjuncts. Because LSCS has allowed its full-time/part-time faculty ratio to slip to the second lowest among all of the community colleges in Texas, rectifying this situation will take money and time. In the meantime, as we said in our previous article, "Even if we cannot afford to expand health coverage, let us at least not take away from our adjuncts what little they already have."

John Burghduff

Professor of Math, LSC-CyFair

References:

- 1. Burghduff, John, "Cuts to Adjunct Teaching Loads," *The Advocate*, January/ February 2014, pp. 3 9.
- 2. "Implications of the Affordable Care Act for Contingent Faculty," press release of the American Federation of Teachers, February 2013.
- 3. "Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015," Fact Sheet of the U.S. Treasury Department, February, 2014.
- 4. Internal Revenue Service Code 4980H VI.C.1.
- 5. Faculty Workload Discipline Standard, LSCS Internal Document, 2009.
- 6. Texas Administrative Code, Title 34, Part 3, Chapter 25, Subchapter A, Rules 25.1 and 25.6.
- 7. Ronda Rotelli, presentation to LSCS deans and department chairs, March 28. 2014.
- 8. Lone Star College System Policy Manual, www.lonestar.edu/policy.
- 9. "Compensation and Utilization of Part-Time Instructors: Texas Public Community Junior Colleges, 2012-13 and 2013-14," Report of the TCCTA, 2013, www.tccta.org/news/salarysurvey13/PTFINAL13.pdf



A Dark Record

In the last issue of *The Advocate*, we listed several of the ways the college system has made progress during Dr. Carpenter's tenure as chancellor. Nonetheless, it is also important that LSCS employees be honest with themselves about the negative publicity the college has received in recent years—because it has been rather substantial. The AFT believes that much of this bad publicity could have been avoided through better leadership.

While we continually hear administrators brag that LSCS is "the biggest this" or the "fastest that," the truth is that LSCS's image has been tarnished through behaviors and actions that generated negative press. The following are examples.

- Conflicts at Montgomery College resulted in termination and reassignment of faculty who acted at the direction of the faculty senate. EEOC complaints and legal action by the affected faculty are still pending. (See <http://www.yourhoustonnews.com/courier/news/lsc-m-profs-at-end-of-rope-with-college-vp/article-8ede69bd-2e45-5a99-b31c-16d7897f6bea.html .)
- AFT attempted to host Joe Bontke, Outreach Manager for the Houston branch of the EEOC, to speak to college employees on "Civil Rights in the Workplace." The administration refused access to a room for the presentation. (See L.M Sixel, "Speech about Workplace Rights not Welcome at College." Houston Chronicle, 10 November 2012, D1.)
- LSCS's Police Academy was suspended by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) for various violations. (See < http://www.yourhoustonnews.com/lake houston/news/lsc-law-enforcement-academy-suspended -by-state-agency/article ce19f257-fa91-5652-b7c8-cfca8ac69f44.html>.)
- LSCS was sued by two community members over violations of the Voting Rights ACT. The plaintiffs charged that the Board of Trustees' at-large system violated minority voting rights by diluting Hispanic and black voting power, thereby limiting their representation on the Board. The college agreed to settle the suit, move to single-member districts, and pay the plaintiffs' attorney's fees of \$50,000, not counting fees to Bickertstaff Heath, LSCS's external counsel on this issue (Hubbard et al v. Lone Star College System, US District Court, Southern District of Texas, Case #4:2013cv01635). (See
 - <http://www.houstonchronicle.com/news/houstontexas/ houston/ article/Lone-Star-College-agrees-tonew-voting-system-4888897. php> .)
- Two community activists, Joe Ramirez and Javier Chacon, have spoken in public session to the Board of Trustees about minority representation in the upper administra-

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tion. Chacon filed a third party EEOC complaint, a common practice accepted by the EEOC, often for individuals who fear retaliation. (See

- http://www.yourhoustonnews.com/kingwood/news/hesi-activists-seek-federal-probe-of-lsc-hiring-practices/article_bc5465b8-1704-52b1-86c0-b76d961b45bf.htmlu >.)
- On March 3, 2014, Monty and Ramirez, external counsel for LSCS, filed suit against the EEOC, charging that the complaint in the previous paragraph is the result of a conspiracy between the EEOC, Joe Ramirez, and Javier Chacon. This theory is based on the fact that Chacon previously worked for the EEOC and "many people that currently run, operate, and are affiliated with the Houston office are former colleagues and friends of Javier Chacon." Regarding Ramirez, LSCS claims that he "enlisted his personal friend, Javier Chacon, to exact influence on the Houston EEOC office on Ramirez's behalf" to secure information the college will not release to him. LSCS further suggests a conspiracy involving the EEOC and AFT-Lone Star: "the EEOC simultaneously requested to enter college property along with the American Federation of Teachers to disrupt Plaintiff's [LSCS] business operations" (See the text of the suit at
 - http://insidehccs.com/LoneStar/LoneStar-v-EEOC-179120444286.pdf). It is worth noting that this suit against the federal government was authorized by Dr. Carpenter without consultation with the Board of Trustees (See L.M. Sixel, "Trustee Says Board not Told College Sued EEOC." Houston Chronicle, 29 March, 2014, D 1. For additional information, see L.M. Sixel, "Lawsuit against EEOC Opens Window, Houston Chronicle, 13 March, 2014, D1).
- At the December 2013 Board of Trustees' meeting, Board Chair David Holsey prohibited two speakers from addressing the Board. Dr. John Burghduff was attempting to discuss adjunct teaching loads and was stopped by Holsey, who claimed that Burghduff was making a complaint and must go through the administration. Citizen Larry Loomis-Price spoke about the Board's violation of Section 45 of the Open Meetings Act. Holsey also interrupted him, indicating that he was making a complaint. Loomis-Price stated that he would continue to speak, and Holsey had him escorted from the podium by a police officer. (See http://www.yourhoustonnews.com/cypresscreek/news/lone-star-college-board-of-trustees-chair-handcuffed-on-free/article_a3dd6488-5e85-11e3-95a3-0019bb2963f4.html>.)

Dr. Carpenter also had a good deal of negative publicity as he left his previous college, which he has blamed on a reporter with an axe to grind. It is worth noting the variety of reporters and news agencies involved in the examples above. This is not a matter of a couple of reporters who have an axe to grind



against LSCS. The problem is more serious than that.

These examples demonstrate that LSCS faces many difficult challenges ahead. Thus, it is critical that the next chancellor be chosen carefully. It is our fervent hope that AFT-Lone Star's "Reclaiming Our College" campaign will help lead LSCS toward a better, less-divisive future. By uniting in the AFT, LSCS employees can exercise a stronger voice in shaping the future of our beloved college system.

—Alan Hall



On Thursday, April 3, two AFT Lone Star members addressed the Board of Trustees regarding selection of the next LSCS chancellor. John Burghduff spoke on the selection process and Elise Sheppard spoke on the results of our survey on "Build—a-Chancellor." We invited AFT members to attend the meeting and their presence was a powerful message of support for the direction the union is taking. It was a great night for the AFT.



AFT Lone Star Supports Our Members

Any reader of *The Advocate* who has perused AFT's benefits is aware that union membership does offer many benefits. Of particular interest is our legal defense fund. Because of the tactics of administrative leadership at the upper levels over

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the last seven years, AFT-Lone Star has shifted significantly more of our operating funds into legal defense. Those funds have covered defending members in terminations, representing members in grievances and appeals, and suing LSCS after the Board of Trustees followed the administration's advice to pass a policy that refused employees representation by an attorney in a grievance, thus violating state law. We filed suit over this issue, the college changed the policy to allow an attorney in grievances, so that issue became moot and the case was dismissed without objection by AFT. Our goal was to get the policy changed, and we were successful.

A portion of membership dues paid to AFT-Lone Star goes to the Texas AFT, our state affiliate, and the national AFT in Washington, D.C. Those two organizations assist local unions with legal defense by each contributing 1/3 of legal costs to match the local's 1/3 share. Since 2008, collectively AFT has spent \$71,580 defending and supporting our Lone Star College members. It costs money to run a local union, and we are proud of our fiscal responsibility and ability to defend members against injustice.

-Staff

John Pickelman

Some of us had a unique chance to celebrate the years (1991-2007) that John Pickelman served the college at a ceremony naming the John E. Pickelman Student Services Building at LSC-Kingwood on December 10, 2013. After the formalities were finished, many of us settled down to enjoy the lavish buffet and, inevitably, share memories of "our times with JP." There were gusts of laughter, sudden huddling of heads when, perhaps, a secret was shared, and universal memories "of the way we were" during this best of times. Somebody suggested that a few of us write a personal paragraph about some experience with John that might serve to show the man we were honoring. What follows, we hope, will illustrate the man we knew who served us as chancellor.

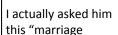
—Pat Gray

My first meetings with Dr. Pickelman did not seem all that auspicious. At his first forum gathering with the entire NHC faculty, he gave a well-devised presentation then asked if there were any comments or questions. The audience sat pretty much like sheep (to my horror since I very well knew specific people who had specific questions). I raised my eager hand, introduced myself, and told Dr. Pickelman that he might want to rethink a particular portion of his speech and then suggested my alternative idea. His reply to me: "Well, you're wrong. Next question?" Happily, neither one of us can remember the subject of our disagreement, but when I later told him my silent thoughts upon sitting down, he declared them



to be of the best tag lines he knew and would often retell the story so we could play our parts. Our second meeting was

shortly thereafter during my first term as Faculty Senate President in the early '90s. As one of the newbies, I was asked to give suggestions for improvement in the District. My quick reply was rejected by Dr. Pickelman and a few of the other FS presidents. I didn't fall silent like some third world subservient female but did begin to wonder in the best Ladies' Home Journal fashion: "Can this marriage be saved?"



saved" question later in our time together. Very quickly, however, we began to look beyond titles, preconceptions, and other crippling pieces of workplace nonsense and became really good, trusting friends. For one thing, we had similar senses of humor and would often rag each other with glee. We were, simply, two professional educators who cared deeply about the success of our students and each other. Going to Austin to lobby the legislature might be thought of as a drag, but I was witness to the fun the entire group had during that long, humid day. We did give JP a fair share of grief for flying up while the rest of us peons, including campus presidents, rode buses. He modified our "outrage" a good deal that evening as the food arrived and liquor flowed and we discussed our lobbying triumphs. In fact, I learned a whole lot that day that had nothing to do with politics or education, but we went with a purpose, and after that purpose got served, we received a lavish repast.

John's commitment to rewarding all the members of the District was one of his distinctive characteristics. He, a gourmet cook and wine connoisseur, cooked a huge meal for the board members every Christmas: devising the menu, shopping for the food and wine, and cooking every morsel. The idea overwhelms me, but, then, I am content to serve a ham sandwich with chips and call it a repast. He did not, however, limit his

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efforts to the Board members or faculty senate presidents whom he took to the Greenspoint Club at the end of each long



L to R: Olin Joynton (former NH Senate President, Advocate Editor, and current President, Alpena College), Pat Gray (former NH Senate President, current Advocate Editor), John Pickelman, and Alan Hall (President, AFT-Lone Star College)

gave a huge dinner for all of us—faculty, staff, administration—at the Marriot Hotel with wonderful food and wine at the end of the year. His belief in reward extended to the paycheck when he refigured the old salary step-system that had been in place since the beginning. At that point we received the biggest raise we had ever had. There was largesse, bounty, to the man who wanted to celebrate everyone's committed effort to make NHMCCD the best and most-

semester to talk

about future plans.

Every year he also

respected community college district in the state.

I miss him. He was the best.

Pat Gray Professor of English, retired Former Faculty Senate President, North Harris

I first met John Pickelman in a dance hall in Austin, Texas when we were both attending a TCCTA meeting. I, along with several other faculty members, was talking, relaxing and enjoying a couple of drinks when—in walks the new chancellor.

He did not see us but went to the bar and ordered himself a drink. There was some good music playing, and someone dared me to go ask Dr. Pickelman to dance. So I did.

He smiled and told me that he did not dance, so I thanked him and walked away. A little later I spotted him cutting a rug on the dance floor. I scowled at him as I watched.

When the song ended, he came over to me and said, "Come on, let's dance." I accepted, and we talked as we danced. I told him that it was a good thing he had asked me to dance, after telling me that he didn't dance, and then being caught on the



lem with trust after that.

dance floor! I suggested that I would have had a serious prob-

He laughed and assured me that I could trust him. I am happy to say that he never broke that promise.

Jean Whileyman, Ph.D.
Professor of Chemistry
Dept. Chair CHEM GEOL PHYS
Lone Star College-Kingwood
Former Faculty Senate President, Kingwood

Working with Dr. John Pickelman was one of the highlights of my career with NHMCCD-Lone Star College. As a young member of the (then) Tomball College faculty, I served as Faculty Senate President (1994-96) and learned much from John Pickelman whom I always called "The Chancellor." As the leader of a large growing college district, he was an impressive person and seemed overwhelmingly powerful. Meeting with him for the first time, I was relieved to discover that Dr. Pickelman wasn't about position, exerting power or making impressions, as he listened and respected the concerns of the faculty senate presidents. Of course, his plans didn't always coincide with our expectations, but we understood "why" and the time frame, because he championed communication with us. Most importantly, Dr. Pickelman continued meeting with all of the faculty senate presidents yearly during his tenure, even after our two year terms had expired, and established a strong group of allies and friends. In retrospect, these relationships promoted unity in a vast college system spread across many miles. Many thanks to Dr. John Pickelman for such special leadership!

Martha Newsome Former Faculty Senate President, Tomball

I was honored to serve as President of the Faculty Senate at Tomball during the years of 1996-1998, and in that capacity, I had the opportunity to work directly with Dr. John Pickelmen. My experiences were overwhelmingly positive. Dr. Pickelmen treated people with respect. This played out in several ways. One of those ways was that he and his staff kept communication lines open and kept us fairly well informed on what was going on—even in early stages when decisions or business activities required confidentiality. We were not blindsided by events that had occurring behind closed doors. Another way he demonstrated respect was in the frankness of our discussions. The FS presidents were free to speak about our opinions and the opinions of other faculty. Dr. Pickelman heard us out and responded frankly in turn.

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As would be expected, some issues came up in which the faculty perspective and the administrative were not in sync, and at times our perspectives were sharply divergent. (This is my way of politely saying that things could get really heated, and we sometimes locked horns.) There was no mistaking when Dr. Pickelman was unhappy with the FS response. His jaws clenched, a vein in his temple visibly bulged and pulsed, and his face and neck turned very red. Nevertheless, he did not shout or bully, nor did he shut down the discussion. And on the occasions when a final decision was made contrary to the opinions or wishes of the faculty, Dr. Pickelman was forthright in informing us. Again, we were never blindsided.

The thing that I would most like to commend Dr. John Pickelman for is the fiscal strength of our system. During the recent economic crash, although we had to do some belt tightening; other colleges in Texas that did not have such sound financial footing faced truly dire conditions. The steady, prudent financial planning and management that took place during Dr. Pickelman's tenure has enabled the growth and we have experienced in these subsequent years.

Pat Womack

Professor of Developmental Studies, LSCS-Systems Office Former Faculty Senate President, Tomball

Words of Wisdom as Lone Star Sues the EEOC

On March 3, 2014, Monty and Ramirez, LLP, filed a petition in the United States District Court for the Southern District of Texas on behalf of the Lone Star College System to initiate a lawsuit against the U.S. Equal Employment Opportunity Commission. A careful reading of that petition, which is a public document, might lead one to worry that the LSCS Office of General Counsel and the Department of Human Resources have gotten our college system into trouble with the EEOC. According to the petition, the EEOC seeks to depose current LSCS General Counsel, Brian Nelson, and former Director of Human Resources, Anne Zemek. In light of the issues revealed by this petition, the AFT would like to offer some suggestions to LSCS employees.

If you are a supervisor and you are having problems with a supervisee, we recommend that you think about fair and ethical ways to handle the problem, thereby reducing the chance that it will escalate to the level of General Counsel or to Human Resources. Remember that AFT officers are a resource; they are trained to help mediate disagreements between employees, and between employees and their supervisors, in ways that tend to lead toward productive resolutions without escalation.



If you are involved in disciplining or terminating an employee, and the problem has already escalated to General Counsel or to Human Resources, urge them to help you resolve the prob-

lem in a fair and transparent manner that respects the rights of all concerned, including the employee. If you believe General Counsel or Human Resources is recommending unduly harsh treatment of an employee, consult an AFT officer for advice.

If you have been involved in the disciplining or terminating of an employee in the past, be advised that an EEOC investigator might seek to question you about the incident. Should that happen, it is

imperative that you be completely honest and forthcoming with the investigator. If you are an AFT member, you are entitled to free and completely confidential legal advice from a highly experienced employment attorney.

If you are involved in the hiring of employees, bear in mind that LSCS could be under increased scrutiny from the EEOC. It



is wise to go above and beyond the minimum that the law requires as you document fair and equal treatment of all applicants. This is not a good time to ask different interview questions of different candidates, or to take

only one candidate to dinner, or for only part of a search committee to interview a candidate. Do your best to treat each candidate the same way and to document that you have followed a fair, equal, and objective process. The law does not require anyone to hire a poorly qualified candidate, but we are charged with treating all candidates fairly and equally.

It is even possible that the EEOC might watching our current chancellor search closely. The LSCS Board of Trustees would be wise to carefully consider applications from well-qualified, diverse candidates and to document that every candidate receives equal treatment and consideration. Already, all employees have received several emails that claim, "The Board has engaged Gold Hill Associates to help them with the

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"The Board should also be aware

that lack of transparency and the

exclusion of stakeholders from

the search committee also tend

to feed the rumor mill about the

chancellor search process."

search" (emphasis added). Despite those emails, there is no public record, in either the February 2014 Board meeting agenda or the minutes, of *the Board* hiring Gold Hill. The March Board meeting was cancelled. There is no record in the

April Board meeting agenda or the minutes of *the Board* hiring Gold Hill. This may seem like a small issue, but the Board can only act as a body because it is a committee of the whole. And the Texas Open Meetings Act requires that the Board act publicly, announcing its meetings, and publishing its meeting agendas at least 72 hours in advance. Rather than accuse the Board of meeting secretly to take this action, or claim that one Board member acted alone, we will give the Board the benefit of the doubt and

assume that LSCS administration hired Gold Hill for the Board. If that is the case, the wording that has been used in emails announcing this decision is misleading. The AFT recommends that both administrators and the Board pay closer attention to these kinds of details as the chancellor search goes forward.

The Board should also be aware that lack of transparency and the exclusion of stakeholders from the search committee also tend to feed the rumor mill about the chancellor search process. There are already rumors circulating throughout LSCS about who the next chancellor will be. To some extent, this is normal. But much of the speculation implies that Dr. Carpenter has somehow already rigged the search or that he is actually running it rather than the Board. Some rumors claim that one of the college presidents will be the next chancellor. So far, AFT officers have heard this rumor about three different presidents. Some of the rumors go on to include claims about who is slated to be the next president of that college. We urge everyone to stop and think about how those rumors of prearrangement might sound to an EEOC investigator. It is important that LSCS not only follow the law, but that all of us—from the Chancellor down to the members of the hiring committees—avoid even the appearance of impropriety.

—Staff

1. (Lone Star College System v. Equal Employment Opportunity Commission, US District Court, Southern District of Texas, Case #4: 14-cv-00529.



Time and Labor

A Ghetto Grows in Aldine

A crisis of family income is unfolding in Aldine. A symptom of this crisis is the recently expanded East Aldine Safety Zone. The Safety Zone was originally put in place in 2010 to encompass Haverstock Hills Apartments, which was called by law enforcement "the most dangerous apartment complex in Harris County." Recently, the Zone was expanded to include the neighboring Timber Ridge Apartments. Both apartment complexes offer low-income housing. A "Safety Zone" is an action of the civil court. The court has placed an injunction against 37 alleged Crips and Bloods who are not allowed inside the safety zone. Any alleged gang members listed on the injunction will face a year in jail and a \$4,000 fine if they are found inside the zone. If they also possess cell phones or clothing that identifies them as gang members, they will face additional charges. The action is being called the latest strategy in Harris County's "War on Gangs." However, this is a deeper and more complex story than what has been reported in the news.

Haverstock offers Section 8 government-assisted housing to low-income families. Of the approximately 2,400 people who live there, about 800 of them are children. Students familiar with the apartment complex say that most of the remaining residents are single mothers and the elderly, both with family incomes under \$20,000. The majority of the adult residents have not completed high school, and many of them have felony convictions. If one also considers the lack of public transportation in Northeast Houston, along with the lack of adequate childcare, it is reasonable to conclude that in today's

economy, these adult residents are practically unemployable. Before dismissing these community members as criminals, bear in mind that Texas is a mass incarceration state in a country that has the highest incarceration rate in the world. According to The New York Times, the USA, with 2.3 million Americans behind bars, has an incarceration rate that is 6 times higher than the global median. Bear in mind also that in the USA, African Americans are almost 6 times as likely to be incarcerated as are whites. As The Sentencing Project documents, "Of the seven million people currently under correctional control in the U.S., a disproportion-

ate number come from a small subset of neighborhoods in the

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major cities of each state. Overwhelmingly black, Latino, and poor, the residents of these neighborhoods are those most likely to suffer from high rates of unemployment and poverty; homelessness; and substandard schools, healthcare, and other basic services." Unfortunately, this is a fair description of Haverstock Hills. Viewed with these facts in mind, it is clear that the residents of Haverstock Hills represent some of the most vulnerable members of our community.

Haverstock Hills is part of a mainly working-class African American community that resides primarily in Northeast Houston. Students familiar with the complex recall that in the 1990s, families would hold barbecues at Haverstock Hills, and their children played there. There were problems with drugs

"The residents of this expanding safety zone resemble a population without rights, with few prospects and little hope."

and crime but this was not unusual at low-income housing complexes. However, the neighborhood around Haverstock has

changed a great deal since then. Census records suggest a mass exodus of African Americans (-35 %) from the census tract that includes Haverstock and a massive influx of Hispanics (+44%). There are many factors that are likely to have driven this movement of people. Tropical Storm Allison caused a great deal of damage in Northeast Houston, and many residents found their homes uninsurable afterwards. The expansion of the Eastex Freeway (I-59) around the same time cut off Haverstock's neighborhood from relatives and friends on the East side of the freeway. Around the same time, a wall was built around Haverstock and topped with barbed wire, presumably to protect two nearby elementary schools from the problems at the complex. The housing bubble of 2005-2010

provided many residents of the surrounding neighborhood an opportunity to sell their houses and move "up and out" to areas with less poverty and better schools. Hurricane Ike un-housed many residents from the neighborhood, as did the 2010 collapse of the housing bubble and the ensuing recession, which riddled low-income neighborhoods with foreclosures and unemployment. A police storefront was placed near the entrance to Haverstock. In 2010, Haverstock Hills was declared the "East Aldine Safety Zone."

To enforce the Safety Zone, police set up a check-point at Haverstock's exit. Police

checked every car passing through, searching at will for suspected gang members. Crime at the complex plummeted, ac-

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cording to news reports and police statements; however, the residents complained of a heavy-handed police presence that basically suspended the Fourth Amendment and Fourteenth Amendment rights of all the residents of the complex, whether or not they themselves were gang members. Last month, the Safety Zone was expanded to include Timber Ridge, a nearby low-income housing complex. This expansion of the safety zone suggests that the problems at Haverstock were not seriously addressed. They were just pushed out into the surrounding neighborhood. No one wants to live around drugs, violence, and gunfire; however this "gang" activity is a symptom of the problems of income inequality, mass incarceration, and concentrated poverty. The residents of this expanding safety zone resemble a population without rights, with few prospects and little hope. To me, it looks a lot like New Orleans' Lower Ninth Ward, the night before Hurricane Katrina.

David Davis

Professor of History, LSCS-NH

1.Brian Rogers, "Dangerous Drug Den is a Complex Issue: Harris County Officials Plan to Clean Up Haverstock Hills Apartments," *The Houston Chronicle*, October 5, 2010. http://www.law.uh.edu/news/faculty-news/Fall2010/1005Gershowitz.pdf. LSC-North Harris students familiar with the Haverstock and the surrounding area provided background information and context for this article.

- 2.Marc Mauer and Ryan S. King, "Uneven Justice: State Rates of Incarceration by Race and Ethnicity," p. 8, The Sentencing Project. http://www.sentencingproject.org/doc/publications/rd_stateratesofincbyrace andethnicity.pdf.
- 3. Adam Liptak, "U.S. Prison Population Dwarfs That of Other Nations," *The New York Times*, April 23, 2008. http://www.nytimes.com/2008/04/23/world/americas/
- 4. The Sentencing Project, "Ending Mass Incarceration: Charting a New Justice Reinvestment," p. 7.

http://sentencingproject.org/doc/publications/sen_Charting%20a%20New%2 OJustice%20Reinvestment.pdf. Article also documents Texas's prison population, particularly for African Americans, as above the national average.

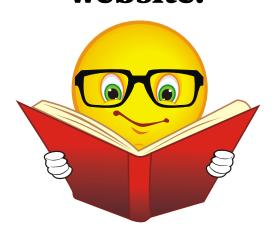
5. "North Forrest Independent School District," Wikipedia. http://en.wikipedia.org/wiki/North Forest Independent School District. Texas Freeway.com. http://www.texasfreeway.com/houston/photos/59n/59n.shtml.

6.Notorious Houston Apartment Complex Shows Improvement after Crackdown on Gangs," KHOU.com, June 28, 2013.

7.Judge Grants Injunction, Banning Gang Members from East Aldine Safety Zone," ABC 13, March 14, 2014. http://abclocal.go.com/ktrk/story?section=news/local&id=9466386.

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If you are interested in

Membership, benefits or would like to discuss a work-related issue, our AFT Faculty and Staff Vice-Presidents are here to assist! Please don't hesitate to contact them! See the back page of this publication for contact information.



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AFT-Lone Star College

AFT Local Union # 4518

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- To promote academic excellence
- To protect academic freedom in higher education
- To preserve and protect the integrity and unique identity of each of the institutions of higher education in Texas
- To protect the dignity and rights of faculty against discrimination
- To ensure that faculty have an effective voice on all matters pertaining to their welfare
- To secure for all members the rights to which they are entitled
- To raise the standards of the profession by establishing professional working conditions
- To encourage democratization of higher education
- To promote the welfare of the citizens of Texas by providing better educational opportunities for all
- To initiate and support state legislation which will benefit the students and faculty of Texas
- To promote and assist the formation and growth of Texas United Faculty chapters throughout Texas
- To maintain and promote the aims of the American
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Full-time Faculty	\$34.98
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,	•

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 20 of this newsletter, or check out our online information and application at:

www.aftlonestar.org



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American Federation of Teachers -Lone Star College Membership Application

AFT-Lone Star College is an affiliate of the American Federation of Teachers and the Texas AFT and accepts membership from all non-supervisory employees of the Lonestar College System. Indicate below whether you are a new member or a current member wishing to update your contact information. Membership with AFT-Lone Star College provides each member with an \$8 million Professional Occupational Liability coverage policy, legal defense coverage and access to representation for work-related isssues. In addition, AFT-Lone Star College members are entitled to special savings and discounts through our AFT PLUS benefits program. If you have questions about joining, please call AFT- Lone Star College @ 281-889-1009. You may also visit our website: www.aftlonestar.org

> 1) Fill out the application below and choose your method of payment 2) Remit this application to AFT-Lone Star College President, Alan Hall

By US mail: AFT - Lone Star College P.O. Box 788 Spring, Texas 77383-0788 OR Interoffice mail: Alan Hall @ A-217, North Harris



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IMPORTANT NOTICE:					



Payroll deduction allows members to pay union dues in monthly installments. If you prefer to write a check to pay for your union dues, be advised that

AFT requires tr	e full yearly	amount payabi	e in 2 six-month	installment	S. EXC	eptions to	ine ruie ap	ply for Pa	art-time	e Stan an	a Aajunc	t Faculty on	ıy.
First Name:				Middle Ini	tial:		Last Nai	me:					
Home Address:													
City:				State:				Zip co	ode:				
Home Phone:				Email Add	ress								
Employee ID #:				Campus:									
Position:				Room #:			Refer	red by:					
I am paid: ☐ Bi-weekly ☐ Semi-monthly Paid over: ☐ 9 months ☐ 9.5 months ☐ 12 months													
Are you a current or new member?													
Choose method of payment: Payroll Deduction (Complete the union dues agreement below) Cash/Check (Two 6 month payments payable to AFT-LSC)													
			Union Du	ues Ded	uct	ion Ag	reeme	nt					
I hereby authorize Lone Star College System to deduct each pay period an amount equal to the dues in the amounts fixed in accordance with the Bylaws of AFT including any increase in dues in future years and pay same to said Union in accordance with the terms of the agreement between Lone Star College System and American Federation of Teachers. This agreement will remain in effect until Lone Star College System receives a written notice of cancellation from me, AFT or at the time of my termination, whichever occurs first. This authorization is subject to sufficient wages being available to comply with all other required deductions and existing federal and state laws.													
Signature: (Print ti	nis form and sign h	ere)					Date				Click h	ere to prin	t form
		For /	AFT-Lone Star C	ollege office	e use	only. Do n	ot write ir	this box	ζ.				
Position verified:	YES NO	(Initials)		,		OTES:							



The Advocate



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 ideas. Send your articles to Pat Gray, Editor via e-mail: patsy.gray@lonestar.edu, or submit to any of the following officers.



P.O. Box 788 Spring, Texas 77383-0788

We're on the Web! www.aftlonestar.org



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Alan Hall, President	North Harris	ACAD 217-G	281-618-5544
David Davis	North Harris	ACAD 264-G	281-618-5543
Stephen King	North Harris	ACAD 162-H	281-618-5530
Allen Vogt	North Harris	ACAD 264-C	281-618-5583
Rich Almstedt	Kingwood	FTC 100-G	281-312-1656
Laura Codner	Kingwood	CLA 110—D	281-312- 414
Catherine Olson	Tomball	S 153 - H	281-357-3776
Richard Becker	Tomball	E 271-D	281-401-1835
Janet Moore	Tomball	E 210 -E	281-401-1871
Van Piercy	Tomball	S 153-J	281-401-1814
Martina Kusi-Mensah	Montgomery	G 121-J	936-273-7276
Louise Casey-Clukey	Montgomery	B 100-G	936-273-7394
John Burghduff	Cy-Fair	HSC 250-G	281-290-3915
Kathy Hughes	Cy-Fair	FBC 218A	832-782-5063
Brenda Rivera	Cy-Fair	TECH 216D	281-290-5919
Earl Brewer	Fairbanks	S - 13	832-782-5029

Call for Articles



The promise of a community college is to draw people who live and work in our communities, educate and empower them to serve, and send them out to cultivate a just and vibrant society. In order to reclaim this promise, AFT Lone Star College is committed to:

- Restoring dignity and respect to the workplace
- Ensuring safe working and learning environments
- Promoting a culture of collaboration between faculty, staff and administration
- Putting the community back in the college to make sure the promise is kept

Join us in our effort to reclaim our college.