



The Advocate

Survey Says..

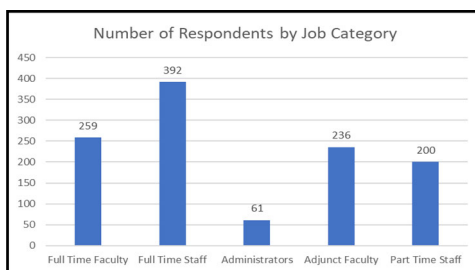
A huge “Thank You” to all of the Lone Star College employees who filled out AFT’s 2022 Climate Survey. We were overwhelmed by the response! I am excited to report to you that over 1100 employees (that’s roughly 1 in 6) took the time to fill out the survey. This is an incredible rate of return for a survey and eclipses our local’s previous high of 1000 responses to our Covid Safety Survey in the Fall of 2021.

We are still in the process of reading and analyzing the thousands of written comments that you provided for us. Every single one of those comments is an important reflection on the employee experience at Lone Star College so we are taking our time to read, sort, and think about what you have said.

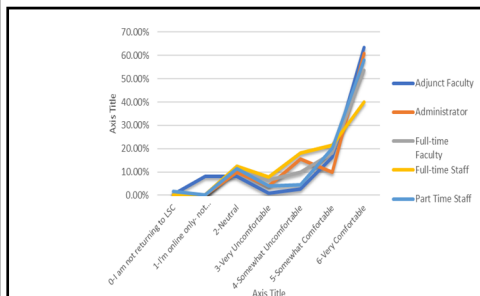
I would like to share with you a broad overview of the survey data in this edition of The Advocate. We’ll have a more thorough analysis of the written comments when our next edition comes out in February. What we learn will set the agenda for issues that AFT will address on behalf of Lone Star employees over the next couple of years.

First, let me say that if charts and graphs are not your thing and the next couple of pages look too nerdy for your taste, please skip down to the last four paragraphs beginning with the phrase “Even in the early stages . . .” to see some of the big picture take-aways we’ve seen so far.

So, let’s get started! This chart shows the number of employees who responded by job category. The total number of respondents was 1148. As you can see, all job categories were well represented.



Our first question asked employees how comfortable they were with returning to work in person for a full work week at this stage of the Covid pandemic. The following chart shows the responses by job category. Although more than half of all adjunct faculty, fulltime faculty, administrators and part time staff report feeling very comfortable returning full time, the percentage among full time staff is lower (40%), and more than 15% of employees report being either very uncomfortable or somewhat uncomfortable – a non-negligible minority.



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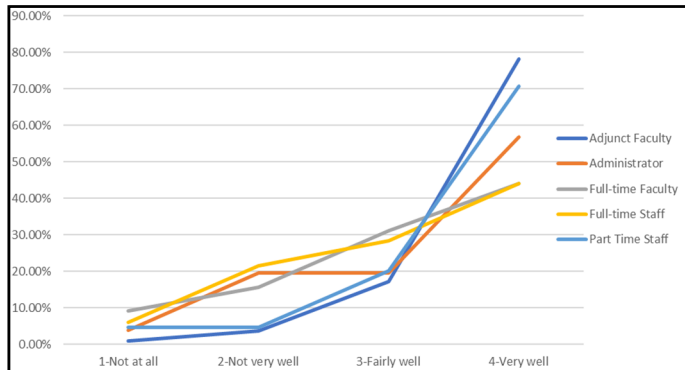
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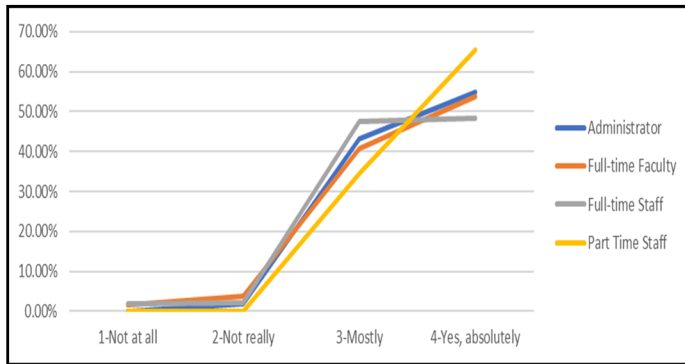




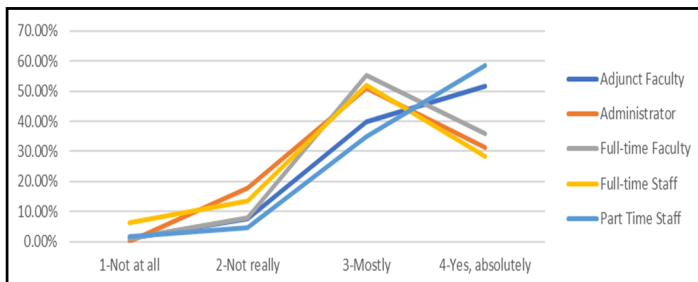
Our next several questions related to respect. We asked employees “How well do you think your supervisor respects your responsibilities and workload?” More than 80% of employees report that they are either fairly well or very well respected by their supervisor. Adjunct faculty and part time staff report the highest level of perceived respect and fulltime faculty and staff report the lowest.



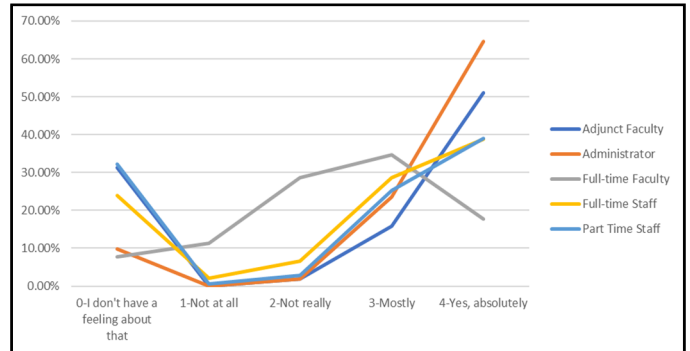
There was strong consensus across employee groups and the consensus was positive to the question “Do you feel that faculty are treated with respect by staff?”



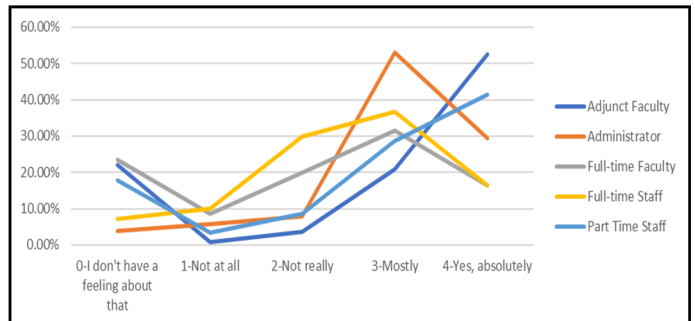
There was also strong consensus to the question “Do you feel that staff are treated with respect by faculty?” Although a significantly smaller percentage answered “yes, absolutely”, it was still the case that well over 80% of employees answered either mostly or absolutely yes.



The picture is murkier when we look at the question “Do you feel that faculty are treated with respect by college and system administrators?” The difference in perception being most pronounced between administrators and full-time faculty.



The results are also a bit murky when we look at responses to the question, “Do you feel that staff are treated with respect by college and system administrators?” Responses from fulltime faculty and fulltime staff track together pretty closely with administrators more likely to say mostly or absolutely yes.

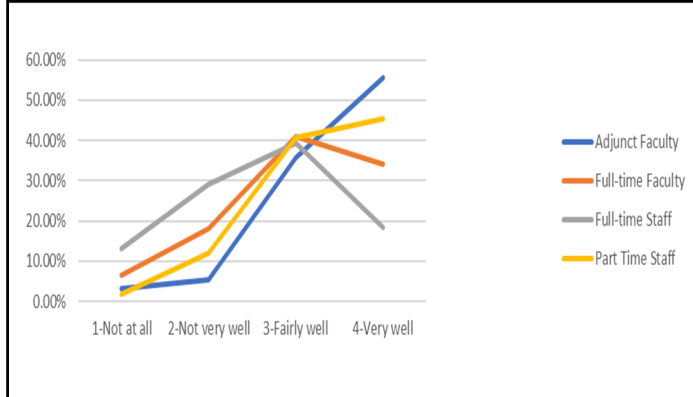


More than half of all respondents report that faculty and staff are mostly or absolutely treated with respect by administrators. That is undeniably good news. There is however a perception gap between administrators and other employees.

Separate from the issue of respect, we also asked about understanding. How well do each of us understand the workload and responsibilities of each other? Fulltime faculty were asked how well they feel staff understand faculty responsibilities and workload. Fulltime and parttime staff were asked how well faculty understand staff responsibilities and workload. Adjunct faculty were asked how well fulltime faculty un-



derstand adjunct responsibilities and workload. The results here were quite positive as well with the possible takeaway that there is room for improvement in faculty understanding what staff experience.



The general answers to these questions are just the tip of the iceberg. We asked all employees if they'd like to elaborate further on the answers to these questions and we are looking for themes in those responses. We also asked all employees whether there were any other concerns regarding their work at LSC that they think AFT should be aware of. Although there are many individual perceptions, we think that common themes will arise there as well. Over the next couple of months we will look at all of those answers in more depth.

Even in the early stages, two themes in particular are jumping off the page to us:

1. There is widespread interest in flexible work options. The fact that staff were required to return to in person work well before faculty during the pandemic clearly still stings a great deal and probably accounts for positive responses from staff falling below those from other categories on many questions. But, moving on from what happened in the past and looking to the future, the desire for full or partial remote work options going forward is clearly noted. Later in this edition of The Advocate we'll be reporting on some interesting developments at one of our sister community college systems in the area of flexible work options.
2. There is noted frustration caused by a large num-

ber of job vacancies across the system, particularly on the staff side, and difficulties in filling those positions. As a result of those vacancies, quite a few employees report that they are overworked and stressed out. As we will report farther along in this issue, now that uncertainty about the college's property tax rate has been settled and we have more confidence in our income stream, we would hope that filling vacancies could move forward more quickly. Interestingly, some comments are connecting this theme with the first one. Employees on hiring committees have reported that applicants lose interest when they learn that Lone Star offers no remote work options.

Again, more information will become clear as we spend more time looking at the results. Expect a follow up in our February issue. In the meantime, thank you to the 1100+ employees who graciously took the time to answer our survey. Your responses will help us plan how we as a union can best represent your concerns and how you can work with us to advance those goals. Finally, thank you to those of you who took the time to offer feedback about our survey itself. We take your comments to heart as well because we want these surveys to give us useful data to act on. We're not professional pollsters (and we can't afford to hire one) but hopefully we get a little better each time we run one of these.

John Burghduff, President
AFT Lone Star College



**We Care.
We Show Up.
We Advocate Together.
AFT-Lone Star College.**





LSC Board of Trustees Approves Tax Rate

In the September/October edition of The Advocate we reported on an upcoming vote by the LSC Board of Trustees on a property tax rate for 2023. At the point we published that article it was unclear whether the Board would be able to come to an agreement on that rate. The College Administration was proposing keeping the tax rate unchanged at \$0.1078 per \$100 valuation. This tax rate would ensure that the College would be able to fund the Fiscal Year 2023 budget approved by the Board in August.

Had the Board not approved that rate, the college would have been forced to revert to a lower “No-New-Revenue” rate that would have required an immediate \$45 million dollar cut in the operations budget. As soon as we heard that there was a possibility the tax rate would not pass the Board, AFT Lone Star College took action by organizing an email writing campaign. I am thrilled to say that 130 Lone Star employees and friends wrote a total of over 1000 emails to the members of the Board of Trustees urging them to vote for the tax rate for the good of the College.

I am even more excited to say that, on October 20 the Board voted to approve the tax rate averting a serious budget crisis.

AFT thanks the 130 email writers for speaking up for the needs of our College and our students. Grass roots citizen participation really does make a difference! We also thank AFT member and retired LSC – Fairbanks Center employee Earl Brewer for speaking to the Board on behalf of the union in favor of the tax rate at the October 20 meeting. Finally, we thank the

*Thank
you*



members of the Board of Trustees for coming together for this all-important vote so that the College can be fully funded for this coming year.

Reference to Previous Edition of The Advocate:
LSC Board of Trustees Faces Critical Tax Rate Vote, September – October, 2022, page 5
http://aftlonestar.tx.aft.org/sites/default/files/article_pdf_files/2022-10/2022_advocate_sept-oct_0.pdf

Dallas College Announces FlexWork Model

By: John Burghduff

In the April/May edition of The Advocate, I wrote an article entitled “The Cubicle and the Kitchen Table – Reimagining the Workplace in the Community College.” In that article, I wrote about the transformation of the workplace across the economy away from 8 – 5 in a physical office space towards a more flexible model including remote work from home.

To say that the workplace has continued to evolve in that direction over these last six to seven months would be a gross understatement of the breathtaking change in how both employers and employees perceive and practice work. If you keep up with the Business Page of the Houston Chronicle you see examples of this radical transformation almost every week in our hometown. Numerous companies have signed new leases reducing the physical footprint of their office space. As they have discovered that their employees can finish many of their work tasks remotely, they have realized that they can save considerable money by consolidating space.

Exxon Mobil reportedly is saying that they may not utilize all of the space they have created in their massive corporate campus in Spring. The owners of the venerable Esperson Buildings downtown (the Niels Esperson Building is the 1927 Italian Renaissance Revival Building with the columned circular “tempietto” at the top) are planning to convert some of the space to luxury apartments because considerable office space is no longer in use.



In “The Cubicle and the Kitchen Table”, I reported that some colleges and universities (including San Jacinto College in our neighborhood) were beginning to explore work from home options in one form or another. In the recent AFT survey of Lone Star College employees reported elsewhere in this edition of The Advocate, we saw a significant number of comments from Lone Star employees expressing an interest in remote work options and concerns among administrators that the lack of such options was making it harder to attract talent for open positions.

Although a working group looking at possible work from home options at Lone Star was disbanded, interest and action at other community colleges is accelerating. A professor and AAUP member from Dallas College (formerly Dallas County Community College District) recently shared with me some information on an ambitious “FlexWork” program that their college is rolling out for their staff and administrators beginning this semester.

I believe it would be of interest to many at Lone Star to learn about the Dallas College program. The purpose of this article is to describe their new program and to include some reflections from the Executive Board of AFT Lone Star College about whether a program like that would work here.

Dallas College does not refer to their new program as a “remote work” or “work from home” policy because they are considering options broader than that. They refer to their policy as “FlexWork” and are offering staff and administrators four possible options in addition to the traditional 8 – 5 in-the-office option.

Dallas College FlexWork Options:

- **Compressed Work Week:** Eligible full-time employees have the option to compress a full-time workload into fewer than five days per week to complete all job responsibilities.
- **Flextime:** Eligible full-time employees work full 8-hour day with non- traditional hours. Instead of 8 a.m.- 5 p.m., they may work from 6 a.m.- 3 p.m.

- **Remote:** Eligible full-time employees perform all their job functions off- campus, typically at home.
- **Hybrid:** Eligible full-time employees work some days in the office and some days outside the office on a weekly, biweekly, or monthly schedule.

Dallas College released a Statement of Intention explaining their rationale for instituting this program:

“Dallas College is committed to creating a diverse workforce of the future that embraces employee achievement through a flexible work arrangement model. Flexible work arrangements benefit employees by enhancing morale, creating a better work-life balance, and offering alternative work arrangements that may lead to increased employee efficiency and productivity.”

“Although the COVID-19 pandemic required a move to a flexible work environment, we now have an opportunity to integrate FlexWork as a part of our overall talent strategy to attract, recruit, and retain great employees. FlexWork will allow our workforce to become more adaptable, accountable, and responsive to the needs of our students.”

Dallas College also outlines the benefits they expect to experience from adopting a FlexWork model:

“According to the Society for Human Resources Management, employees perform better and maintain higher levels of well-being when work-family-life concerns are reflected in policies and practices. Additionally, supervisor support for these concerns is essential to the contribution of a positive employee environment and organizational outcomes.”

“Organizations not only report higher levels of employee attraction, retention and engagement but may also realize cost savings and better space utilization. Employees experience wellbeing, job satisfaction, and higher productivity as they are less likely to be absent because of illness or personal demands.



Further, students can receive services outside of normal business hours and obtain support without traveling to campus.”

Dallas College is rolling out FlexWork options department by department over the course of the current semester and is making these options available to staff and administrators. It is presumed that faculty already essentially have FlexWork options. So far, I don't know if there are specific limits on the number of classes faculty teach online, but it appears that many faculty teach a mixture of online and face to face classes. Dallas College does not appear to have a policy that faculty have to be on campus a certain number of days in the week. By contrast, Lone Star College policy requires all faculty members to be on campus at least four days a week.

Here is how Dallas College explains the scope of FlexWork for staff and administration:

“FlexWork is a work alternative that is appropriate for **only some** employees and positions and requires approval and a written agreement. The policy is being finalized and will be available on the Dallas College Board Policy Manual.”

Although their statement does not give examples, one could imagine, for example, that maintenance workers may not be able to do their work from home. On the other hand, a Flextime option might be useful to both the employee and the college.

There are certain eligibility requirements an employee must meet in order to have a FlexWork schedule:

- Employee must be working in a position for which FlexWork has been approved.
- Employee must be in good standing – not currently subject to disciplinary action
- Employee must live a “commutable distance” (and within Texas) from Dallas to be able to come to the college for meetings when needed
- Employee must discuss their interest with their supervisor
- Approval is not guaranteed

- Flex Work approval can be rescinded at the College's discretion

At Dallas College, FlexWork decisions will be made at the department level between an individual employee and his or her supervisor. If the employee holds a job position that has been approved for FlexWork, he or she will present a proposal answering the following questions:

- How will the proposed arrangement enhance your ability to work effectively?
- What potential challenges could arise and how will you address them?
- How will you communicate with supervisor, coworkers, students, and others?
- What technology and equipment will you need? (college provides laptop, employee is responsible for internet connection)

Supervisor and employee meet together to discuss the employee's eligibility based on job position, performance history, and departmental operational needs. The employee is encouraged to be prepared to accept a variation on the proposed arrangement based on this discussion. If the supervisor denies the request, he or she must document the reason based on suitability of the job for FlexWork, the effect on the department, the employee's performance record, or the lack of sufficient detail in the proposal. If the supervisor approves, however, the proposal is sent to Human Resources for review. HR may send back questions for clarification but, once that process is complete, the employee begins the new work arrangement.

In our most recent meeting, I shared what I have learned about the Dallas College FlexWork program with the Executive Board of AFT Lone Star College. We discussed whether a program like this would be effective at Lone Star. Overall, we felt that options like these would be very exciting for our college and would make it easier to attract and hire new employees to fill the many open positions the College is having difficulty filling. We discussed whether adopting a similar program might help the college consolidate adminis-



trative space thus freeing up space for instructional purposes and lessening the need for future construction.

We liked the flexibility and autonomy Dallas is giving department level leaders in making FlexWork decisions but were concerned that there didn't appear to be an appeal process. My colleague at Dallas confirmed that this was a piece that was missing. We also imagined that Lone Star administration would feel more comfortable if there was some sort of oversight mechanism at higher levels to assure that decisions were being made fairly, consistently, and in the best interests of the college.

One aspect of the way Dallas College is rolling out this program would probably not be a good fit for Lone Star College. Dallas is taking a "build the plane while it's flying" approach. They are implementing FlexWork before official policy is passed, expecting to tweak and revise as they go. Lone Star administration would almost certainly prefer to think through all aspects of the policy first, perhaps try out a pilot program, and roll out a comprehensive plan more deliberately. Like people, institutions have their own personalities and change can only happen in ways that take those personalities into account.

AFT will continue to monitor and report on progress with Dallas College's FlexWork program, and any other plans for flexible work opportunities at other colleges that we hear about. That the nature of work is changing (rather, has already changed) and that community colleges will need to adapt is now, in our judgment, a given. We hope Lone Star College will engage in the conversation about flexible work and look for innovative approaches that will benefit our employees and our students.

Reference to a Previous Issue of The Advocate:

The Cubicle and The Kitchen Table – Reimagining the Workplace in the Community College, April – May, 2022, pages 3 -6

http://aftlonestar.tx.aft.org/sites/default/files/article_pdf_files/2022-04/2022_advocate_apr-may_0.pdf

Op ed: Outside Employment

Submitted anonymously by a Lone Star College employee

The April-May (2022) edition of *The Advocate* featured an installment of *Know Your Rights* on the issue of outside employment. The issue pointed out that Lone Star College policies on outside employment are stricter than those at other major community colleges in Texas. More specifically, LSC policies require *ex ante* approval and, in the case of teaching, place limits on the number of classes taught. In contrast to Lone Star, other institutions require employees to merely disclose additional employment, without unduly interfering in employees' private lives outside of work hours.

The notion of the college interfering in our off-the-clock lives is legally problematic and ethically suspect. It also undermines employee well-being, as those asking permission are treated as though they are trying to get away with something. Yet, the ethics of our outside employment policy is not what this column will focus on. Instead, I would like to take a closer look at the financial implications of Lone Star's restrictive and far-reaching policies.

According to the LSC website, the college aims to be "externally competitive in pay opportunities," claiming to routinely assess its competitiveness and adjusting accordingly. In practice, however, this is not the case when we factor in outside employment. This is particularly true of additional teaching.

As many department chairs know, Lone Star routinely hires full-time teachers from nearby schools and professors from local colleges as adjuncts. These instructors do not face the same restrictions as Lone Star employees do. Consequently, they have the potential to earn significantly more than LSC employees. Sometimes, this creates significant distortions. For example, a Lone Star professor holding a PhD can make less than his or her counter-



part with an MA at a local high school, provided that this counterpart is teaching a few classes outside of their main institution.

In addition to the issue of competitiveness, there are other negative consequences of our restrictive additional employment policies. One of them has to do with retirement.

As many of you know, Texas has a very stingy public education retirement system. Like most colleges in Texas, Lone Star College employees do not pay into social security. Their retirements are entirely dependent on either the TRS or ORP – the first option is not indexed to inflation and has not seen a COLA in two decades, while the second option is at the mercy of the market. In fact, Texas ranks second to last with regards to teachers' retirement benefits.

Given all this, bringing LSC additional employment policies in line with other major community colleges in Texas or with the standard Texas Association of School Boards (TASB) policy would significantly improve retirement prospects of LSC employees. Maintaining the *status quo* keeps Lone Star Employees at disadvantage compared with their counterparts at HCC, Dallas College, Austin Community College, and many others.

While this point may seem theoretical to some, it is anything but. Here, running various retirement scenarios using the TRS calculator is very enlightening. For example, an employee who spends an entire career at Lone Star can increase their TRS benefits by several hundred dollars per month by teaching an extra class or two during the last few years of their career. An employee who is relying on ORP can expect the same by teaching extra classes early in their career. To be more specific, a TRS participant making an average \$65,000 per year can expect a retirement benefit of \$3,737 gross per month after 30 years of service. Should that employee decide to teach just

one extra class every semester during the last five years of their career, their benefit would increase to \$4,312 gross per month. For ORP participants, such figures would be market-dependent, but would be significant due to the 30-year compounding period. Given the limited benefits offered to teachers in Texas, additional employment may determine retiring in dignity or not.

Thus, for many LSC employees outside employment is not a question of want, but a question of need. In addition to the retirement considerations outlined above, some employees take care of elderly parents

or children with special needs; to them, outside employment may be a lifeline. In such situations, asking for approval creates a sense of insecurity and unease.

"It is, therefore, worthwhile to start the conversation about changing Lone Star College policies about outside employment."

Likewise, a large proportion of LSC employees have had other careers before joining the college. As a consequence of Lone Star not paying into Social Security, most of these individuals (if they are TRS participants) will be affected by the Windfall Elimination Provision. This provision will severely reduce their Social Security benefits, making them almost completely reliant on the TRS. This is a truly unenviable situation. Here, once again, outside employment may determine whether such an employee can retire in dignity.

Let me be clear, Lone Star College employees are professionals, many of whom spent long years acquiring advanced degrees from top institutions. They do not want to work second careers elsewhere and are fully committed to Lone Star College. Requiring advanced approval for outside employment, regardless how insignificant, feels infantilizing and demonstrates a lack of trust. Sometimes this creates financial insecurity and uncertainty, if other institutions want a commitment before LSC is willing to give permission. Letting the college know about outside employment is a reasonable expectation, but seeking approval every few months is overly-



controlling and infringes on employee freedom and privacy, creating an uncomfortable atmosphere of distrust.

It is, therefore, worthwhile to start the conversation about changing Lone Star College policies about outside employment. In addition to the considerations discussed above, rising interest rates, raging inflation, and high gas prices could be seen as reasons to align our policies with the norm. Let's be outliers in student success, community engagement, and instructional innovation, not in employment restrictions.

Reference to a Previous Edition of The Advocate
Know Your Rights – Outside Employment, April – May, 2022, pages 8 – 11

http://aftlonestar.tx.aft.org/sites/default/files/article_pdf_files/2022-04/2022_advocate_apr-may_0.pdf

Congratulations Newly Elected Lone Star College Trustees

AFT Lone Star College congratulates the newly elected members of the Lone Star College Board of Trustees:

- District 5: David Vogt
- District 6: Myriam Saldívar
- District 7: Rebecca Broussard

Welcome, Ms. Broussard (first term) and welcome back Mr. Vogt and Ms. Saldívar (incumbents). We look forward to working with you over the next six years. Thank you for your service to Lone Star College.



Know Your Rights – Progressive Discipline John Burghduff

Once or twice a semester I'll get a phone call from a worried AFT member who will start the conversation with the question "Thus and such just happened; will they fire me for this?" It is a reasonable and important question that I always take seriously.

Looking to the legal system for answers will probably not help. As much as I love my home state, Texas is a precarious place to be an employee. Going all the way back to the earliest Anglo colonists in the 1820s (see my colleague Steve Davis's column), Texas has prided itself on being "business friendly", whether we're talking about the plantations and ranches of the 19th century, the high tech innovation centers of the 21st or, of course, the oil and gas industry that dominates everything else. Sadly, our state seems to take as a matter of faith that being friendly to business means being unfriendly to workers. Other states and other countries have definitively shown that the interests of business and the interests of workers can complement one another but that is not a Texas thing.

It has been rightly said that, under Texas labor law, an employee can be fired for any reason or for no reason. There is a story that gets repeated of a banker who was fired for wearing a Dallas Cowboy tie to work because his boss didn't like the Cowboys. According to the story, the courts upheld the bank's right to do so. I have never been certain whether the story is authentic or mythical, but the fact of the matter is that, under Texas law, employees can legally be fired for something as trivial as this.



The exception to this Wild West attitude towards workers is that Federal Law prohibits an employee from firing someone for belonging to an Equal Employment Opportunity protected class such as race, ethnicity, religion, sex, and so forth. A Texas employer can fire someone for wearing a Cowboys tie but not for being an African American woman, for example. The trick there is proving that the reason for the dismissal truly was discrimination and not something else.

Well, that's a gloomy picture isn't it?

The good news is that individual employers in Texas can choose to adopt policies and procedures that treat employees better than the state requires. In those cases, it is the employer's own policies that protect the rights of employees. There are many important reasons why an employer would choose to do this. First and foremost, treating employees in a callous and capricious manner is immoral. However, in addition, firing people at the drop of a hat is bad for business. A sudden vacancy means that coworkers have to take on additional duties and service to stakeholders suffers. Recruiting, hiring, and onboarding a replacement worker is expensive and time consuming, especially in a tight labor market.

The smart thing for an employer to do is to invest the time and effort to hold on to problem employees and try to help them to do better if at all possible. The Cowboy tie example is silly and petty. The guy in that example was likely not a problem employee, just an employee with misguided loyalties (from the point of view of this life-long Houstonian). There are true and valid employee performance issues that are harmful to the mission of the organization that employers should and must address. The smart thing for the employer to do is to try to take measures to assist the employee to overcome those issues. The vast majority of us don't want to be bad employees but that doesn't mean that we instinctively always know how to be good ones.

This brings me back to the panicked phone calls from union members afraid they are going to be fired. I am always pleased to be able to tell those employees that Lone Star College is one of those employers

that recognizes the value of trying to keep employees rather than throwing them callously away. Sometimes employees' supervisors are simply in the wrong. For episodes that fall into the Dallas Cowboy tie category when it looks like supervisors are being petty and capricious, Lone Star College has a grievance process that the union can and does guide employees through. (I wrote about grievances in previous installments of this column. Please see the end of this article for specific references.) If issues appear to be outright unlawful discrimination, I can direct employees to the LSC Office of Governance, Accountability, and Compliance which, in my judgment, does a very good job of thoroughly investigating such complaints.

Sometimes, however, employees will tell me (or will come to realize as we talk) that part or all of the problem lies with themselves. Employees will tell me that they know they made mistakes and they worry about what will happen next. In those cases, I can describe a procedure Lone Star College refers to as "progressive discipline". That may sound a bit ominous, but the procedure is actually an excellent one that is beneficial to employees and it is important for everyone working for Lone Star to understand. So, I am going to describe it in this episode of "Know Your Rights".

In May of 2020, the Lone Star College Office of Human Resources prepared a training, mandatory for all supervisors across the system, on the Lone Star College Progressive Discipline Procedure. The training was very helpful, and, in the remainder of this article, I will largely be quoting from the PowerPoint from that training.

The training began with a statement of purpose which I quote:

"The Lone Star College (LSC) Progressive Discipline procedure is designed to align with LSC Cultural Beliefs to promote a high level of employee performance by:

- Correcting performance problems as they arise,
- Building genuine employee commitment to the organization, and
- Encouraging and promoting the development of



effective working relationships between supervisors and their employees.”

What are some of the performance problems that this procedure aims to address? The HR presentation identified three broad categories.

- “Attendance – coming in late, leaving early, excessive absenteeism
- Behavior/Conduct – unprofessional behavior towards staff, co-workers, or students; insubordination, violation of LSC’s civil rights policies.
- Work performance – failing to meet targets: work requiring excessive revision/rework, time wasting and poor time management”

These categories are, indeed, broad and would mean different things depending on whether employees are faculty, staff, or administration but they do serve as a clear and useful categorization for both employees and supervisors to assess whether a given behavior is a true performance problem. Furthermore, these are valid concerns. The College has every right, and in fact has a duty, to make sure that concerns like these are addressed.

The “progressive” in the phrase “Progressive Discipline Procedure” refers to the fact that the procedure calls for a series of steps beginning at an informal level and “progressing” to more serious and formal levels ONLY when less formal steps have not achieved the necessary results.

STEP 1: INFORMAL COACHING

As the title suggests, if a supervisor identifies a specific area in which an employee needs to improve, the first step is an informal conversation in which the supervisor identifies the issue, listens to the employee to understand what that employee may need, and outlines clear expectations. Quoting from the HR presentation,

“During informal coaching, the supervisor has an opportunity to understand the cause of the employee’s performance, discuss possible solutions, and establish an appropriate time frame for achieving them.”

“Generally, the outcome of a coaching session is not documented in a formal memorandum to an employee; however, supervisors are encouraged to make a note of this activity in an employee’s file maintained by the supervisor.”

(As an aside, AFT often encourages employees to write an email back to the supervisor after a meeting such as this, not as a protest, but simply to memorialize the steps that were agreed to in order to make sure that nothing was forgotten or misunderstood and to affirm the employees’ commitment to the changes discussed.)

Note how the focus of the HR language is on finding ways to help the employee improve, not on getting the employee fired. Many issues will be resolved at this stage and will need to go no further.

“As an aside, AFT often encourages employees to write an email back to the supervisor after a meeting such as this, not as a protest, but simply to memorialize the steps that were agreed to in order to make sure that nothing was forgotten or misunderstood and to affirm the employees’ commitment to the changes discussed.”

On a personal level, I can recall as a very young man having a meeting along these lines with a supervisor at another employer because I had missed a deadline. In that discussion it became clear that I was having trouble prioritizing multiple

assignments and the supervisor graciously agreed to help me think through that process. The coaching session solved the problem from his point of view and has been very helpful to me as I continued through my career.

STEP 2: PERFORMANCE IMPROVEMENT COUNSELING

If performance problems persist after informal coaching, the process progresses to “Performance Improvement Counseling”, a series of more serious



conversations but still a step taken BEFORE formal steps of disciplinary actions are taken. To quote from the HR presentation

“Generally, the outcome of a performance improvement discussion is to develop a performance improvement plan. The supervisor will provide feedback and document the improvements in the employee’s performance improvement plan maintained by the supervisor.”

Lone Star College has a specific form used for Performance Improvement Plans that documents specific changes expected of the employee, a timeline for monitoring changes, and, importantly, steps that the supervisor will commit to do in order to assist the employee in completing the plan. This could include, for example, authorizing training the employee might need, and time set aside in the employee’s workload to participate in that training.

I have had the privilege of observing a Lone Star dean who used a Performance Improvement Plan (also known as a PIP) to assist a struggling employee. She met with that employee on a regular basis, suggested practical tools that would help, and authorized time off for important training that the employee needed. She invested a great deal of time and effort in assisting the employee and the end result was that the employee was able to make substantial improvement.

Note: There may be specific severe issues for which performance improvement plans are not appropriate. For example, an employee should not need counseling meetings and training to know that one shouldn’t beat a student. Cases like that escalate farther down the process quickly out of necessity to maintain the safety of students and employees. Supervisors are encouraged to contact HR for further guidance about what issues might not be suited to a PIP. More on exceptions later.

STEPS 3 AND 4: FIRST AND SECOND WRITTEN WARNING

If informal coaching and performance improvement

counseling fail to result in important changes in behavior, the process moves on to what are finally considered formal disciplinary actions. At first, these take the form of written warnings. Written warnings should use a specific form approved by Human Resources that clearly states across the top that this is, indeed, a written warning, documents steps that have already taken place to resolve the issue, and clearly states that failure to address the issues in the warning by the employee can ultimately result in further disciplinary action up to and including termination.

Supervisors are expected to prepare for meeting with the employee by completing a Pre-Meeting Checklist form that documents for HR what issues exist and what steps have taken place so far as well as what the expectations for change are. The employee is called to a meeting and informed in advance that the purpose of the meeting is to administer a written warning. The stated purpose of the written warning, according to the HR training is “to gain the employee’s commitment to change to an acceptable attendance, behavior/conduct, and/or work performance.” In other words, even at this stage, the goal is to try to salvage the employee, not to merely be a box to check to get the employee out the door.

There is to be a First Written Warning followed, if after a reasonable amount of time the performance issues remain, by a Second Written Warning.

A copy of the First or Second Written Warning will be provided to the employee and the employee will be asked to sign the supervisor’s copy to confirm that the discussion took place. Signing does not necessarily indicate that the employee agrees with the content of the warning. An employee can refuse to sign. However, refusing to sign does not invalidate the warning.

In addition, the employee has the right to file a response to the written warning (whether it is a First or Second Warning) and submit it within five working days of the receipt of the document. If an employee believes the Warning is invalid, AFT encourages that employee to file a response to document that belief.



Whether it is a First Written Warning or a Second Written Warning, the supervisor files a Post-Meeting Summary, and copies of the Warning itself and any supporting documents with the Office of Human Resources.

It is at the step of a First or Second Written Warning that the union has noted some irregularities in some specific cases.

We have seen supervisors blind side employees by not telling them that the purpose of a meeting is to administer a warning. This puts employees at an unfair disadvantage unready to explain their sides of the story and should not happen.

We have seen supervisors file written warnings without going through the informal coaching and performance improvement plan steps. As stated before and reiterated later in this article, there are situations where steps can be skipped but they are extreme and rare. Writing someone up may be easy for the manager but Lone Star's procedure is clear that there are efforts that must be made before that stage is reached.

We have seen supervisors file a Second Written Warning without a First Written Warning. Generally, the supervisor refers back to some previous communication and claims after the fact that that communication was really a First Written Warning. That can't be done and violates the letter and spirit of the process. Employees have a right to know that a document they have received has risen to the level of a Formal Disciplinary Action and not to be caught off guard.

We have also seen supervisors follow up a First Written Warning with a Second Written Warning within days. The spirit of Progressive Discipline is that we want to salvage employees and help them improve. Rapid fire serial warnings are contrary to that spirit. Any of these irregularities could provide grounds for an appeal or grievance. The union encourages members who encounter any of these irregularities to contact us for assistance to help us assure that rights to due process are preserved.

STEP 5: THIRD (FINAL) WRITTEN WARNING

If required changes have not taken place after a First and Second Written warning, the Third Written Warning is considered to be a FINAL written warning and the final formal step before termination proceedings could conceivably begin.

Like the first two written warnings, the supervisor is expected to prepare a Pre-Meeting Check list outlining efforts that had already been made to resolve the undesired behavior, and to inform the employee that they are being called to the meeting to be administered a warning. The employee still has the right to file a written response within 5 business days of receipt.

Even at this late and final stage, the purpose is still to illicit change and salvage the employee.

STEP 6: TERMINATION

As stated in the HR presentation, "A termination normally occurs when the steps of discipline outlined in the Progressive Discipline Procedure have failed to bring about a correction in an employee's attendance, behavior/conduct, and or work performance."

Also, "It is LSC's internal practice to require a signed Termination Recommendation Authorization Form (commonly referred to as the 5-Signature form) before ending employment."

In the Termination Recommendation Authorization Form, the supervisor makes the case of why the employee should be terminated. Five levels of supervision including the Lone Star College General Counsel (Mr. Mario Castillo) and Chancellor (Dr. Steve Head) must agree with the decision and sign off. The purpose of this form is to ensure that the decision to terminate is not a personal whim or vendetta on the part of a supervisor. Multiple levels of administration have to be convinced that appropriate efforts had been made and documented to try to salvage the employee and that all of those efforts had failed.

Note: The exact process to terminate an employee is



outlined in Section IV.G.3 in the Lone Star College Policy manual (www.lonestar.edu/policy) and depends on whether the employee is on contract or not. We will go through that process in a future issue.

The bottom line of this whole discussion is that the answer to the question “Will I be fired?” is “Not without following a carefully crafted process that gives you ample opportunities to fix whatever problems your supervisor identifies.”

In fact, it is possible for supervisors to back up a step if they think it will help. For example, if a performance improvement plan helps resolve an issue to a degree but not completely, supervisors can choose to start another PIP instead of proceeding to a formal written warning.

EXCEPTIONS AND SKIPPING DISCIPLINARY STEPS

There is an important caveat to note. The HR presentation clearly states that, should an employee commit a “serious offense”, the employee may be escalated past informal steps to a Formal Written Warning, even a Final Warning. Furthermore, it states,

“A termination is the appropriate action when a disciplinary problem repeats or when a single offense is so severe that any other disciplinary action would not be an appropriate remedy.”

The implication of the first part of this sentence is that, if an employee has a performance issue, goes all the way through the Progressive Discipline Procedure, and then commits the same performance issue, they may not be afforded the entire process the second time around.

The second part of the sentence is a bit vague. If an offense is sufficiently severe, steps in the process can be skipped and, potentially, the employee could be terminated without going through all of these steps. What constitutes “sufficiently severe”? In one way, it makes sense not to try to come up with an exhaustive list of offenses that would qualify, or the process could end up looking like the book of Leviticus or the Texas Constitution. However, this statement requires

a level of trust that the 5-Signature form would root out any cases of supervisors trying to circumvent the system.

The HR presentation includes a section on Administrative Leave. In this section, the presentation points out that the Chancellor can authorize an Administrative Leave (with or without pay) “when an inappropriate behavior is so serious that immediate removal from the workplace is necessary”. They list some examples of behaviors that could trigger an Administrative Leave and I think it is safe to surmise that the kinds of behaviors that would trigger skipping steps or immediate termination in the Progressive Discipline Procedure would be of this magnitude. To quote,

“Though it is not possible to list all forms of behavior, the following are examples of situations where an administrative leave may be appropriate:

- Theft
- Threat of violence
- Destruction of college property
- Reporting to work under the apparent influence of alcohol or drugs (or reasonable suspicion of the same)
- Insubordination
- Arrest”

It is presumed that any such allegations would be thoroughly and fairly investigated before decisions are made. We will have to monitor whether this clause is ever used to circumvent what is otherwise a fair and thorough process. So far, we have seen no evidence to suggest that.

Besides formal terminations, there may be other reasons employees may lose their employment at Lone Star. Particularly, part time staff and adjunct faculty can be affected if enrollment drops and the need for their services disappears. There is not much anyone can do when that happens, sadly, but it is important to note that this scenario is not a termination. We would all be hoping that the employee could be brought back when situations improve.

Full time employees could become victims of “reductions in force” or “layoffs” if shifts in enroll-



ment or other needs threaten to make a job position obsolete. In a future installment I can discuss what those policies and procedures are. This scenario is, first of all, extremely, extremely rare, and second of all, would not preclude the employee from moving to another position within the College if one were available.

What we would suggest is that any union members who find themselves at any stage in the Progressive Discipline Process should consult with one of the AFT officers listed on the last page of The Advocate. If there are indeed performance issues you are struggling with, we will encourage you to address those issues because, ultimately, we should all share the goal of doing the best job we possibly can of serving our students. However, we will also help to make sure that your rights to due process are preserved and that you are given a fair opportunity to improve.



References from previous editions of The Advocate:

“Know Your Rights – Informal Dispute Resolution Meetings, September – October, 2021, pages 11 – 14
http://aftlonestar.tx.aft.org/sites/default/files/article_pdf_files/2021-11/2021_the_advocate_september-october.pdf

“Know Your Rights – The Grievance Process, November – December, 2021, pages 9 – 13
http://aftlonestar.tx.aft.org/sites/default/files/article_pdf_files/2021-12/2021_the_advocate_nov-dec.pdf



Dispatches from the Front #4 Revisiting the Alamo

*Steve Davis, Professor of History, Lone Star College
-Kingwood*

Every semester I look forward to teaching Texas History, I first studied it in 4th grade at David G. Burnet Elementary in the shadow of downtown Houston. As a boy I loved the bloody subject. It had violence like that in my favorite comic books as one group was always fighting another for dominance of the future Lone Star state. By the time we learned about Texas in school, my friends and I were all immersed in the Walt Disney and John Wayne versions of the Alamo battle that saturated popular culture in the early 1960s. Rather than cowboys and Indians, we often played Alamo in the neighborhood with all of us contending to portray the legendary leaders Crockett, Bowie, or Travis and no one volunteering to be the despised Mexicans. Given the casual racism of the era, this was just as true of the Hispanic kids as of the Anglo children in our mixed East End community. Texas history was all around. Our school was named after the Republic’s first president, major downtown streets were Milam and Fannin after Anglos who died in the Texas Revolution, and my high school was named for Stephen F. Austin, the so-called Father of Texas. The San Jacinto battleground where Sam Houston secured Texas independence was perhaps a half hour’s drive, located downstream on the same bayou that passed four blocks from my house in the 6600 block of Avenue S.

By the time I was in college, I thought Texas history was a joke, not worthy of serious attention. I knew by then that much of what we were taught was utter mythology and I wanted to get my mind as far away from my hopelessly reactionary native state as possible. I never formally studied the subject after 7th grade, where all public-school pupils still must take it. I didn’t dream that I would one day teach it and love doing so. This happened because Marilyn Rhinehart, chair of the History Department at North Harris, urged me to offer a Texas history class as part of our activities around the Sesquicentennial of Texas independence in 1986. I did a crash course of pre-



paring and then dove in. In Fall 1985, I attended an Alamo symposium at SMU organized by David Weber. I would learn that he was one of the leading scholars in the Texas field, bringing the insights of a Latin Americanist to his vital publications. Paul Hutton, who also wrote extensively on Custer's Last Stand, presented as did the painter Eric Von Schmidt, who reported on the massive Alamo canvas he was then completing. I took feverish notes and used my still-keen grad school study skills to absorb so much information that couple of days. That program gave me the confidence that with intensive reading and other prep, I could teach a credible course and at least not make a fool of myself in the classroom.

All these years later, comes a book that has changed the way I teach the Alamo and the Texas Revolution. It has the provocative title ***Forget the Alamo*** and its authors—Bryan Burrough, Chris Tomlinson, and Jason Stanford—bravely call BS on generations of Texan writers and public figures who have propagated ridiculous notions about the state's supposed exceptionalism. The main way Texas is exceptional is in the shameless manner we natives brag about the place and all its wonderful qualities. All that has done is obscure the degree we fall short of providing a decent life for so many of our citizens. Burrough and crew have touched a nerve among right-wing politicians like Gregg Abbott and Dan Patrick who prefer we not think critically about Texas history or much else. Furious about the book's themes, Lieutenant-Governor Patrick brutishly intervened in July 2021 and forced a late cancellation of a panel at the Bullock History Museum in Austin where the authors were scheduled to discuss their findings. What is so explosive about the contents of ***Forget the Alamo*** that it would merit such attention from guardians of tradition?

Most egregious to Patrick and his lot is Burrough and fellows insisting that slavery was the main cause of Texas's rebellion against Mexico. It's worth quoting the book directly here: "We must recognize that the Battle of the Alamo was as much about slavery as the Civil War was about slavery." This claim was a

departure for me. I had taught for 35 years plus that the so-called Texas Revolution was in reality no revolution at all, but was in David Weber's phrase, "a successful separatist rebellion" against Santa Anna's Centralist tyranny emanating from Mexico City. This takes at face value the insistence of the Anglo rebels (and their Tejano supporters) that the revolution was more than anything a fight against the dictatorship of Santa Anna, after the latter had set aside the federalist constitution in a Napoleon-style coup in 1835. Burrough, et al accept Santa Anna's action as indeed the *triggering cause* of the revolt. But the *underlying reason* they argue was the concern of the Anglo-American settlers over the future status of slavery in a Mexican republic that was officially and consistently hostile to the institution. As long as individual Mexican states like Coahuila y Tejas (Texas was never a separate state) retained some autonomy under the liberal Constitution of 1824, then Anglo settlers could exploit various loopholes and take advantage of the lack of Mexican military presence in Texas to hold on to their slaves. They had come to Texas to profit from cotton cultivation and deemed African bondage to be inseparable from that enterprise. But once Santa Anna crushed the Federalists (the state rights advocates in 19th century Mexico) and dissolved the Constitution, slavery's continued life in Texas was in grave peril. Hence, the determination of the Anglo-Americans to fight.

What's the evidence that the protection of slavery was indeed the main motive of the Texas rebels? Well, you won't find it in the Texas Declaration of Independence, adopted on March 2, 1836, four days before the Alamo fell. George Childress hurriedly composed the document like a student pulling an all-nighter to complete a term paper. His "statement of a part of our grievances" contains not a word about slavery unless it is cloaked in an initial reference to property rights. There is far more damning evidence in the constitution written a few days later by the same delegates who signed the Declaration, a governing framework which Burrough and crew characterize as "the only one in history to guarantee slavery and actually outlaw any and all emancipation." Unlike the original U.S. Constitution, the Texas document is explicit in its references to slavery and open-



ly racist in its denial of citizenship to Blacks. I think the authors are on the right track. Recent historians have always known that slavery was a major concern for Anglos in Texas. It becomes arguably **the** major concern if we view Santa Anna's destruction of Mexican states rights the ominous way many of the Texas rebels surely did. Such a conclusion clearly constitutes a significant shift of perspective regarding the causation of the Texas Revolution.

And such a shift is long overdue given the dramatic demographic changes our state is experiencing. I don't need numbers from the analytics department to confirm what is right in front of my eyes every morning in the classroom. About half my students are Hispanic and there are far more Blacks at Kingwood than in our beginning years. I suspect these trends are evident throughout the LSC System. I just taught ***Forget the Alamo*** in five sections—two of Texas History and three of US History. There was not a shred of objection to the book's controversial thesis and indeed much appreciation voiced from students whose immediate roots are in Mexico. This generation of young people is tired of being taught fairy-tale versions of American history. Latino students in particular are not going to accept for a second the racist depictions of Mexicans that were commonplace when I was a kid. And Black students will rightly reject any approach that ignores the centrality of slavery through the span of this country's existence. The bulk of students will take to a book like this one that is highly readable and justifiably iconoclastic.

Do yourself a favor and read ***Forget the Alamo*** over the coming holiday break. Make it a book club selection and critically discuss with your friends. Assign it in your courses if it fits. Take a road trip to San Antonio and see the battle site with new eyes. The sooner we honestly re-examine our state's history, the better. It's much more fun that way as well.

Stephen Davis

Professor of History, LSC-Kingwood

November 28, 2022



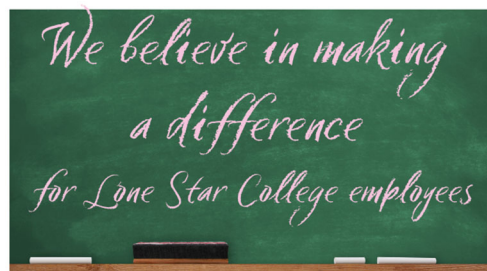
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If you are interested in membership, benefits, or would like to discuss a work-related issue, our AFT Faculty and Staff Vice-Presidents are here to assist. Please don't hesitate to contact them. See the back page of this publication for contact information.



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- If you believe faculty and staff should have a voice in educational issues, you should join.
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AFT-Lone Star College

AFT Local Union # 4518

GOALS

- To promote academic excellence
- To protect academic freedom in higher education
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- 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 AFT locals throughout Texas

Membership provides professional career protection and a united voice at work.

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Membership Eligibility

Membership in the American Federation of Teachers (AFT) is open to full-time 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 the back of this newsletter, or check out our online information and application at:

www.aftlonestar.org

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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 give this message 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, AFT is there for them.

If you believe in these values and are not a member, now is the perfect time to join. If you believe in our values, take action now and join the AFT.

