

# Big Win

McAllen AFT



**A**s many of you know, the McAllen AFT attends school board meetings and routinely monitors the school board's decisions affecting employees in the workplace. On August 28, 2009, the trustees adopted a salary schedule that did not include the state salary step increase required under HB 3646 and Texas Education Code section 21.402(c-1 and 2). The money intended for teachers, librarians, counselors, nurses and speech pathologists by recommending a flat \$1,000 salary increase for these employees. Understanding the severity of the decision, the McAllen AFT sprang into action. Our intention was for school board members to stand up for what's right and provide the salary increase to all employees eligible for the compensation. Although we can only represent our members, we believe the school board needs to pay everyone that is owed any money they are entitled to receive.

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# Chronology

## How We Did It

1. McAllen AFT files a grievance against the school district for failing to provide step-salary increase as required by Texas Education Code 21.402(c)-1 and 2. Level 2 grievance is presented at the superintendent's level with Mr. Crain and Mr. Leach representing the school district. The grievance is denied by the school district.
2. McAllen AFT appeals the Level 2 decision to the board of trustees with Texas AFT Counsel Martha Owen presenting our case. The school district hires an attorney from Austin, Kevin O'Hanlon, to defend its position. In spite of the evidence presented and what the law requires, the trustees, with the exception of Sam Saldivar, deny the AFT's grievance. The vote is 6-1. Danny Vela, Richard Moore, Myrna Garcia, Joseph Caporusso, Javiar Farias and Mark Kent support Superintendent James Ponce's decision to keep the money and provide a \$1,000 salary increase instead.
3. McAllen AFT appeals the board's decision to the TEA.
4. On August 23, 2010, Administrative Law Judge Christopher Maska issues a proposal for a decision recommending to the Commissioner of Education that the McAllen AFT's appeal be granted.
5. On July 2, 2012, outgoing TEA Commissioner Robert Scott, signs off on ALJ's opinion and directs McAllen ISD pay AFT members affected by the district's actions all the compensation they are entitled to for the school years 2009-10 and 2010-11.
6. McAllen AFT urges the school board to do the right thing, and move ahead to let the affected employees receive the compensation they are due. We tell the trustees not to waste taxpayer money defending something they know isn't right by delaying payment through court appeals to those owed.

If you're not already a member, isn't it time you joined an organization that will defend your rights? At McAllen AFT, we are committed to helping our members be successful in their jobs and to safeguard their interests. Join us today.



1500 Dove Avenue  
McAllen, TX 78504

Office: 956.682.1143 Fax: 956.631.0190

Email: [mcallenaft2@yahoo.com](mailto:mcallenaft2@yahoo.com)

Web Address: [tx.aft.org/mcallen](http://tx.aft.org/mcallen)