

# Massachusetts Community College Council

## OFFICERS

Richard Doud, *President*  
Joseph LeBlanc, *Vice President*  
Philip Mahler, *Treasurer*  
Phyllis Barrett, *Secretary*



Philip A. Kennedy, Operations Manager

## COORDINATORS

Don Williams, *Communications*  
Dennis Fitzgerald, *Grievance*  
Joseph Rizzo, *Grievance*  
Hilaire Jean-Gilles, *Research*

Minutes of the Board of Directors Meeting  
Mechanics Place / Worcester  
Friday, January 21, 2005

**Present:** President Rick Doud, Vice President Joe LeBlanc, Treasurer Philip Mahler, Secretary Phyllis Barrett; Roberta Passenant (Be/alt.), Paulette Howarth (Br), Geri Curley (BH), Gail Guarino (CC), Michael Bathory (G), Kathleen McDonough (H), Lois Martin (Ma), Ned McGuire (MB/alt), Elena Natalizia (MW/alt.), Gail Stuart (NE), Abe Sherf (NS), Margaret Wong (Q), Clark Grain (R), Roberta Albano (ST); Communications Coordinator Don Williams; Operations Manager Phil Kennedy; MTA Consultants Katie D'Urso, Michelle Gallagher. **Not Present:** Ken Dunn (Mi). **Guests:** MTA President Catherine Boudreau; Day Grievance Coordinator Dennis Fitzgerald; DCE Team Chair John Palmer.

President Rick Doud called the meeting to order at 10:40 a.m.

The Order of Business was adopted, as amended, by consensus.

**MOTION:** Approve the minutes of the Board of Directors Meeting of November 19, 2004 (Sherf/Curley). **PASSED.**

## REPORT OF THE DAY GRIEVANCE COORDINATOR

Coordinator Dennis Fitzgerald presented his semester report, in which he summarized three recent arbitrations with important implications. The first case involved the dismissal of a tenured faculty member at Mass Bay. The arbitrator agreed with the MCCC that the grievant should not have been dismissed without "just cause." Unfortunately, an arbitrator cannot insist on reinstatement, only that the college president reconsider the action. The temporary president of the college, Andrew Scibelli, upheld the decision of the former president, Lindsay Norman. The matter is back with the arbitrator now, with the possibility that it will end up in court. This trend of administrators resorting to the courts seriously undermines the contract.

The second case involved the retrenchment of two professional staff members at Northern Essex. According to the contract, a college has to reassign members who are retrenched if there are appropriate positions available. Instead, two individuals were hired in similar positions just prior to the retrenchments; the about-to-be retrenched unit members were not considered for these positions. The arbitrator agreed with the MCCC that protecting people's jobs trumps other considerations. This case is now before the president of the college, who has been asked to see if there are positions available that these two individuals could fill.

The third case, at Bunker Hill, involves the Article 16 language outlining hiring priority when individuals are "equally best qualified." The MCCC argued that the grievant, a full-time unit member, should have had priority over the DCE unit member who got the job. While the arbitrator did not agree with the MCCC that management was arbitrary and/or capricious in the hiring decision, he did find that an administrator had indeed been arbitrary and capricious in the interview process leading to the hiring decision. However, because the arbitrator did not feel he could argue that the wrong individual had been hired, no monetary award could be secured for the grievant.

## PRESENTATION BY MTA PRESIDENT CATHERINE BOUDREAU

MTA President Catherine Boudreau reported on current issues of concern for MTA members. Concerns for higher ed members include talk of doing away with agency fee provisions and of establishing assessment measures for teachers being prepared by the colleges—i.e. an MCAS-like test for some college students. President Boudreau said that she does expect the higher ed contracts to be funded by the legisla-

ture in this session, but she does not know what to expect in the collective bargaining talks that will be going on this spring for the MCCC and MSCA. When asked how best to respond to attacks on public education, President Boudreau recommended keeping the focus on fair and equitable educational opportunity for children and college students and on the importance of workforce development, two things which resonate with the public.

President Boudreau said that the top priority at MTA right now is strategic direction, noting that similar discussions are going on in most other states. A major problem is with replacing leaders. Following a wave of retirements, there are now many new teachers with little awareness of the role of unions. Consequently, it is a time for soul searching and for re-thinking both mission and strategies.

#### **REPORT OF THE PRESIDENT**

President Rick Doud noted that, since the last Board meeting, he has formed a crisis committee to address the matter of the rejected DCE Contract. The situation is one of the Discussion items on the agenda. He also reported on giving testimony before the Senate's Higher Education Committee. The text of his remarks will appear in the February *MCCC News*. He is hopeful that this body will recommend infusing money into the public higher ed budget. The president also reported that, due to a snow postponement, the Appeals Committee will now meet on February 2 in Auburn; at that time the Board of Higher Ed will officially receive the committee's recommendation concerning internal/external criteria applied to "senior" professional staff positions. The labor/management committee on faculty workload issues met on January 13; committee members are drafting a report for the chancellor. Finally, President Doud reminded directors that this year's Delegate Assembly is scheduled for Saturday, May 7, at the Marlborough Best Western, and that the Fall Leadership Meeting is scheduled for Monday, September 26, at the same location. Dr. Elaine Bernard will be the featured speaker at the fall meeting.

#### **REPORT OF THE VICE PRESIDENT/SAC/DAY BARGAINING**

In his capacity as chair of the Day Bargaining Team, Vice President LeBlanc reported that there have now been two bargaining sessions. At the first, agreement was reached on ground rules and release time. At the second, the MCCC presented its asking package. Management will reciprocate at the next meeting, scheduled for February 9. So far, the tone is polite and the parties have both expressed a desire to complete the process this semester if possible. Chair LeBlanc will distribute a formal bargaining update to the membership following the February 9 meeting. In other Day Contract news, the Professional Staff Issues Group met on Dec 20 and prepared questions for researcher John Lee. The group met again yesterday and will meet again in a couple of weeks. As President Doud reported earlier, the Faculty Workload Committee is preparing a report for the chancellor as well.

On the Strategic Action front, Vice President LeBlanc advised that members *not* contact legislators regarding the points now. They are currently in the process of adopting rules and naming committee chairs. Once these tasks are complete, it will be easier to estimate when they will take up the funding of the higher ed contracts. The vice president also reported that the SAC Steering Committee will meet next week to begin working on the lobby days planned for the spring. Anyone interested in working on these events should contact Sandy Howell (formerly Cutler) at STCC about the part-timer benefit event and Donnie McGee (Bristol) or Roberta Albano (STCC) about the 03 buyback event. The Steering Committee will also be setting dates and an agenda for SAC this spring. Vice President LeBlanc commented on the wonderful experience of interviewing potential State House interns. So far, Gauri Sharma (QCC) has been placed with Senator Ed Augustus (D-Worcester); Rebecca Davies (Ma) has been placed with Representative Byron Rushing (D-Boston); and Janice Ussery (Br) has been placed with Representative Mary Grant (D-Beverly). Ms. Ussery has also been selected to receive a \$1200 award from Easter Seals. Finally, the vice president reported that the MCCC-PAC will meet soon. Members are urged to contact him if they would like PAC support for their attendance at a political event.

**MOTION:** Re-appoint Roberta Albano, Donnie McGee, and Caroline Schwartzwalder as SAC Regional Representatives for the spring and fall semesters of 2005(LeBlanc/Sherf). **PASSED.**

#### **REPORT OF THE TREASURER**

Treasurer Philip Mahler reported that the audit is complete; the auditors' report is awaited. Referring to the financial statements, the treasurer observed that the MCCC is living within its budget but that problems with collecting DCE dues and high course release expenses are a strain. Treasurer Mahler also re-

ported that the Finance Committee met in December and again this week. The committee's task was to determine how to deal with a looming \$53,000 deficit. The committee recommends considerable belt tightening and a modest dues increase. Treasurer Mahler noted that the committee made difficult decisions — including the recommendation that cuts be made in the area of release time--with which the Board may or may not agree. He recommended that the Board consider developing a menu of items for possible restoration, putting the items and their cost implications to the delegates at the Delegate Assembly. The Finance Committee is also reviewing the treasurer's compensation, in light of changes to the job description, and the matter of chapter support, with an eye to making the distribution of chapter support be, perhaps, more equitable for smaller chapters.

#### **HEALTH AND WELFARE REPORT**

Abe Sherf reported that the Trust Board has now determined what would need to be done to add an indemnity plan option for the dental benefit. There is still some opposition to going forward, both from management and from some higher ed units. Abe asked if the MCCC Board is still supportive, and it was determined that it is.

#### **REPORT OF THE SECRETARY**

Secretary Phyllis Barrett reported that the updated *MCCC Leadership Directory* will go out by the end of the month. Any additional changes need to be reported to her soon.

#### **MTA BOARD REPORT**

Phil Mahler reminded directors that Tom Parsons distributed a written report on the most recent Board meeting. Phil also noted that MTA has filed a lot of bills in the legislature, including bills seeking health insurance and retirement benefits for part-timers.

#### **COMMUNICATIONS**

Coordinator Don Williams reported that the February issue of the newsletter is in the works. He also noted that "Tell Mitt" posters are available for use on the campuses; directors were encouraged to take a few for posting, more if opportunities for informational picketing are on the horizon on their campuses. Noting that he will be unable to travel to campuses this semester, the coordinator encouraged folks to take pictures of such events and to send them to him for use in the newsletter.

#### **DISCUSSION/ANNOUNCEMENTS**

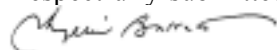
##### **A. DCE Bargaining**

DCE Team Spokesperson Michelle Gallagher made a presentation to the Board on where things stand in regard to the recently rejected DCE Contract. She noted that approximately the same number of members (less than 900) voted on this contract as voted on the last one; however, the unit has grown by about 1000 individuals in the meantime. One concern is with this low voter turnout, which may have been influenced by late or insufficient information about the contract prior to the balloting. Given feedback received following the vote, those voting seemed concerned about several language issues and/or about the money package. Spokesperson Gallagher has proposed, and the Executive Committee has agreed to form a Crisis Committee to assist the DCE Team by communicating with chapters and members on the issues and regarding actions they might be willing to take to achieve improvements in the contract. The goal is to conduct a mail ballot after getting some improved language at the table and communicating effectively with members about the process.

Following Consultant Gallagher's presentation, there was lengthy discussion about how the Day Unit could support DCE members--possibly through work to rule--and about how important it is for DCE members themselves to get involved.

The meeting adjourned at 3:15 p.m.

Respectfully submitted,



Phyllis Barrett, Secretary