

# Massachusetts Community College Council

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Joseph LeBlanc, President  
Diana (Donnie) McGee, Vice President  
Philip Mahler, Treasurer  
Gail Guarino, Secretary



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

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Minutes of the Board of Directors' Meeting  
Mechanics Place, Worcester, Massachusetts  
Friday, October 16, 2009

*Present:* President Joe LeBlanc, Vice President Donnie McGee, Treasurer Philip Mahler, Secretary Gail Guarino, Liz Recko-Morrison (Be), Diana Yohe (Br), Claudine Barnes (CC), Rosemarie Freeland (G), Pennie Marcus (H.), Thomas Kearns (Ma), Joseph O'Neill (MB), Rick Doud (Mi), Candace Shivers (MW), Rick Ponticelli (NS), Stephen Proietti (NE), Margaret Wong (Q.), Clark Grain (R), Roberta Albano (ST), John Cipora (DCE/part-time), Communications Coordinator Don Williams, MTA Consultant Katie D'Urso, NEA Director Robert Gillies

*Not Present:* Sara Satham (BH), John Farrenkopf (DCE/part-time), MTA Consultant Miles Stern

*Guests:* Anne Wass, President of the MTA; Paul Toner, Vice President of the MTA; David Borer, Executive Director/Treasurer of the MTA; Arthur Pippo, MTA Higher Education Director; Dennis Fitzgerald, MCCC Day Grievance Coordinator

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

The Order of Business was adopted by consensus.

The minutes of the September 25, 2009, were accepted with the following correction: Campus Round-up, MassBay CC -The department chairs of the Radiological Tech Program, the Physical Therapy Assistant Program, and the Massage Therapy Department resigned. All but one member of the Practical Nursing Program resigned.

## **REPORT OF THE PRESIDENT**

President LeBlanc reported on that the following issues were discussed at the October Labor Relations Committee meeting:

- Exempt and non-exempt professional staff employees: Management wants to work out arrangements that are in compliance with IRS regulations and that also provide the services of full-time professional staff to as many students as possible.
- Day contract funding: Management promised to press the DHE for funding.
- Payment for licenses and certifications: Raises for licenses and certifications should be paid in November.
- Day and DCE overlap: Management pointed out that with so many DCE sections taught during the day, the Day/DCE distinction is not as clear as it once was.
- DCE conversion to the HRCMS payroll system: Both Management and the Union are frustrated with a lack of uniformity in paying DCE salaries.
- FTE increases and the impact on member morale: Management was sympathetic to the Union's concerns and asked for examples of the negative impact of increased enrollments to share with the President's Council.
- Fiscal year 2011 higher education funding, 9C cuts, layoffs, and furloughs: Impending 9C cuts are manageable for the short term.
- Evening student services: Management denied a lack of student services in the evening and asked for specifics.
- Late afternoon college meetings: Management said that this is not a problem at their colleges.
- Unit work being assigned to non-unit members: Management expressed concern about this issue.

The Board of Higher Education meeting highlighted the increases in enrollments at the public colleges, especially the community colleges. The state's Higher Education Relief bill, which HELC did not support, has been pulled. News at the HELC meeting included the item that over \$50 million in ARRA funds will be transferred to higher education to offset the impending 9C cuts.

New members accreted through the CAS process are expressing concern about the benefits of union membership. President LeBlanc is currently working with the Mount Wachusett chapter to resolve some of these issues.

President LeBlanc distributed data compiled by Research Coordinator Jean-Gilles to better inform the discussion with the MTA leaders. Enrollment at the community colleges has increased by 10.8 percent while full-time faculty and professional staff numbers have remained flat. DCE faculty numbers are up significantly. Additional data will be distributed at the November Board of Directors' meeting.

#### **REPORT OF THE VICE PRESIDENT and STRATEGIC ACTION COMMITTEE (SAC) CHAIR**

Vice President McGee announced the filing of H 1110 by Representative Steven D'Amico on behalf of AFT/UMass Dartmouth with input and support from the Bristol CC chapter leadership. This bill supports the BHE's goal of increasing full-time faculty at public higher education institutions so that the ratio of courses taught by full-time and part-time faculty is 75 to 25 by 2015. The bill also provides health insurance and pension benefits for part-time faculty teaching half-time or more. The bill was heard by the Joint Committee on Higher Education on September 29, 2009. MTA's Julie Johnson testified in support of the bill, and Vice President McGee sent written testimony to the Chairs of the Joint Committee on Higher Education.

The campaign for passage of S 1173, the ORP buyback into SERS legislation, is going well. Meetings with the Chairs of the Joint Committee on Public Service were positive. SAC Steering Committee member Brooks Smith delivered ORP Talking Points to all Higher Education Committee members. All ORP faculty and professional staff members who are interested in buying back into the SERS defined benefit pension plan should contact their legislators as soon as possible.

SB 1082, an adjunct faculty pension bill, will be heard by the Joint Committee on Public Service on November 16, 2009. This bill would allow part-time faculty who teach at least four 3-credit courses per calendar year at one or more state higher education institutions a prorated year of creditable service.

Vice President McGee thanked MCCC chapter leaders Dale LaBonte, Liz Recko-Morrison, and Tiffany Magnolia for agreeing to speak to the Joint Committee on Revenue during its listening tour.

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

Treasurer Mahler reported that the preliminary meeting with the auditors is set for October 30, 2009. The auditors will be in the office on the week of November 16, 2009. New security guidelines for protecting member identities may prove challenging. The Finance Committee will be meeting on October 27, 2009. The Treasurer has spent considerable time working with ADP on the new process for paying chapter employee stipends and getting one insurer to handle worker's compensation for employees who work in Massachusetts, Maine, New Hampshire, and Rhode Island. The report to the MTA on bargaining expenses will be submitted soon.

Treasurer Mahler distributed and commented on the MCCC's most current Profit and Loss Statement and Statement of Cash Flows.

#### **REPORT ON DCE BARGAINING**

DCE Bargaining Team Chair Diana Yohe reported that the team and Management are still working on language about the conversion to the HRCMS payroll system. After reviewing all of the agreements with Management, she is hopeful that a Tentative Agreement will be ready to send to the membership for a ratification vote in November.

#### **COMMUNICATIONS REPORT**

Communications Coordinator Williams distributed the Holyoke CC newsletter, September's issue of the *MCCC News*, and talking points for the Reversing Course campaign with pertinent quotes. The next issue of the *MCCC News* will concentrate on the Reversing Course campaign. Coordinator Williams shared a sample of the logo design for the campaign. He also showed the Board samples of pens that could be purchased for \$450 for 1,000. The consensus opinion of the Board was that a more expensive "uniball" type pens would be more durable.

### **MTA CONSULTANTS' REPORTS**

Consultant D'Urso reported that the employer has reduced employees' 403B options to seven. Transfers from excluded options are incurring backend costs and transfer fees. These costs need to be bargained. Some colleges in the system have instituted H1N1 policies that include heavy-handed reporting procedures. Northern Essex CC's policy is among the best. Consultant D'Urso will be meeting with the employer next week to discuss H1N1 policies. If members have concerns about their colleges' H1N1 policy, a copy of the policy should be forward to Consultant D'Urso.

MTA is seeking a legal opinion about a new law that requires all state employees to have online ethics training. New employees must take the training within 30 days of being hired; current employees must take the training every two years. Neither the Day nor the DCE contracts have any provision for mandatory ethics training.

Consultant Stern's written report was distributed. He and Coordinator Fitzgerald are developing materials and training for chapter officers to address the process for chapters to use in accreting new positions into the MCCC. They will also be developing materials for newly accreted members. The MTA is moving forward on the Adjunct Health Insurance lawsuit in the very near future.

### **NEA DIRECTOR'S REPORT**

NEA Director Gillies reported that materials supporting repeal of the GPO/WEP Social Security offsets were delivered to Congress. This legislation to repeal the offsets may be debated after the health care debate. The NEA Board met in September and visited Congressmen, Senators, and Secretary of Education Arne Duncan, who was thanked for his support of the Community College Bill.

### **MTA LEADERS' PRESENTATION AND DISCUSSION**

Anne Wass, President of the MTA; Paul Toner, Vice President of the MTA; David Borer, Executive Director/Treasurer of the MTA; and Arthur Pippo, MTA Higher Education Director presented a bleak economic picture for next several years. Massachusetts is anticipating a budget shortfall of \$600 million for the remainder of the fiscal year; 9C cuts and layoffs are anticipated; a \$2 to \$3 billion shortfall in revenues is expected for the next fiscal year; a second federal stimulus package may not be forthcoming; unemployment continues to rise; and unions may be asked for take backs and furloughs.

The MTA leadership stressed the need for union members to work together to preserve as much as we can for our members. The tough economic times have made it impossible for Governor Patrick to keep many of his campaign promises, but at least he is pushing to increase the revenue stream and to keep Massachusetts financially stable. Although the MTA leadership acknowledged the concerns about how ARRA funds have been used in some cases, they warned that loud, public criticism could scuttle any chance for a second stimulus package. The MTA and its members need to work to keep education friendly legislators in office on both the state and federal level. 2010 is a critical election year. Taking a proactive stance, the MTA has formed a Revenue Enhancement Task Force and is working with OneMass to change the conversation about revenues and taxes.

MTA Director of Higher Education Arthur Pippo reported that Secretary of Labor and Workforce Development, Suzanne Bump, said the Governor will be asking the unions for furloughs and other take backs. Director Pippo is working with a HELC subcommittee to frame a unified response to the Governor's demands. Two thousand state workers may be laid off. UMass has reported to HELC that they have been asked for an impact statement on the consequences of a 7.9 percent operating budget cut. Public higher education institutions still have \$54 million ARRA money left. Most likely, this money will be used in this fiscal year to keep the colleges' and universities' operating budgets stable.

Last June the Governor amended the House 1 budget to include one lump sum for unsettled contracts. Currently all higher education contracts, including the MCCC's newly ratified Day contract, are before the House Ways and Means committee awaiting a recommendation.

The MTA is sponsoring the first Higher Education Conference on December 4 and 5, 2009, at the Sheraton Framingham Hotel and Conference Center. NEA President Dennis Van Roekel will lead a forum.

The MTA's Candidate Recommendation Committee is interviewing four senatorial candidates and will endorse a candidate in late October. The primary for the special election is on December 8, 2009.

The MTA leadership also urged the Board to discourage all MTA members from signing the petitions for the ballot initiatives to lower the sales tax to three percent and to lift the charter school cap.

## **DAY GRIEVANCE REPORT**

Day Grievance Coordinator distributed the newly reorganized *MCCC Day Unit Grievance Training & Contract Enforcement Manual*, handouts entitled "Professional Staff Workload," "Faculty Workload –Article 12," and "Grievance Procedure Flow Chart & Time Limits," and the Fall 2009 Day Unit Grievance Report.

Coordinator Fitzgerald reported that in the three years the 2006-2009 Day Contract was in place, 421 cases were processed through the grievance procedure, including 305 grievances, 22 charges of prohibited practice, 92 unit determination petitions, 1 whistle blower case, and one motion to vacate. Currently, 11 charges of prohibited practice, 36 grievances, and one Superior Court case are pending. Thirteen mediations, six arbitrations, and three Division of Labor Relations (DLR) prohibited practice charges are currently scheduled. Coordinator Fitzgerald reviewed grievance resolutions, including a salary inequity case at Bunker Hill CC; hiring above and below classification levels at Quinsigamond CC, MassBay CC, and Middlesex CC; and workload, filling a position without posting, and docking of sick leave at MassBay CC. DLR resolutions involved workload and E7 information, contractual information, and transfer of work out of the unit. A DLR prohibited practice case involving threats to union officials at MassBay CC will have a formal hearing in March 2010.

Coordinator Fitzgerald explained the reasons to attempt to vacate an arbitration decision and the reasons not to make this attempt. Management has been successful in vacating some arbitration decisions that awarded appointments to the aggrieved party as the Supreme Court found that the arbitrator had exceeded his/her authority.

## **NEW BUSINESS**

**Motion:** Approve one DCE Step 4-level stipend for Brooks Smith for each of the fall 2009 and the spring 2010 semesters for Strategic Action Committee work. (Executive Committee) **Passed**

**Motion:** Approve the following policy and Issuing Record for issuing keys to MCCC Worcester facilities. (Executive Committee)

Note: As this motion involves a policy change, it will be voted on at the November Board of Directors' meeting.

### **Policy**

1. Each officer may have keys for the Curley Boardroom and the Office.
2. Each member of the office staff may have keys for the Curley Boardroom and the Office.
3. An Executive Committee At-large member will be given a set of keys and instructions for the Curley Boardroom and/or Office on a one-time basis, upon request, for a specific MCCC event. The keys must be returned the next time that person is in the office.
4. Any other MCCC member will be given a set of keys and instructions for the Curley Boardroom and/or Office on a one-time basis, upon request, for a specific MCCC event with the express permission of the President or Treasurer, and notification (email suffices) of both the President and Treasurer. The keys must be returned the next time that person is in the office.
5. All persons receiving keys to the MCCC Worcester facilities will complete and sign an Issuing Record.

**Issuing Record**

<b>INITIALS</b>	<b>Initial all appropriate sections.</b>
	I have been issued a key for the building at 27 Mechanic Street, Worcester
	I have been issued a key for the MCCC Office
	I have been issued a key for the MCCC Curley Board Room
	I have been issued a key for other: Please describe: .....
	I have received instructions and password to close the building and set the alarm if necessary.
	I will report a loss or other compromise of these keys immediately to Edy Stoddard and the Treasurer.
	It is my understanding that I will retain these keys until I leave office or am no longer employed at the MCCC.
	I have been issued these keys for a one-time use, for the purpose of  ..... and will return them (day and date) .....

Print Name of Person Issuing the Keys:.....

Signature .....

Print Name of Keys Recipient: .....

Signature: .....

**Motion:** Approve spending up to \$1,000 from reserves for the purchase of 1,000 good quality pens imprinted with the MCCC logo, name, phone number, and website. (Executive Committee) **Passed**

**Motion:** Appoint Rosemarie Freeland (GCC), Ellen Pratt (MWCC), and Liz Recko-Morrison (BeCC) to the CAS Joint Union-Management Committee (O'Neill/Barnes) **Passed**

**Motion:** Thank Representative Steven J. D'Amico for sponsoring H1110, an Act to maintain faculty and college excellence in the Commonwealth, and for his outstanding support for public higher education. (Doud/McGee) **Passed**

**Motion:** Recommend that MCCC members boycott the upcoming Two-Year College English Association (TYCA) Conference at the Boston Hyatt Hotel, and urge members to write to Hyatt's management protesting the continued delay in reaching an acceptable resolution to this ongoing labor dispute. (Doud/Recko-Morrison) **Passed**

A motion to endorse H1110 was referred to the Strategic Action Committee.

**DISCUSSION/ANNOUNCEMENTS**

***Campus Round-up***

*Berkshire CC*

Director of the Massachusetts Department of Labor, George Noel and his wife attended the Central Berkshire Labor Council dinner.

### *Bristol CC*

Higher Education Commissioner Richard Freeland is visiting Bristol CC and wants to meet with department chairs and coordinators. Board Member Yohe distributed communications from Vice President of Academic Affairs Sarah Garrett in which she attempts to address Union concerns on various contractual issues. The Union has expressed a desire to be part of the new faculty orientation process.

### *Greenfield CC*

Commissioner Freeland came to campus and the Chapter President was not invited to meet him. A ground breaking ceremony was held for the new building.

### *Holyoke CC*

Student affairs personnel feel like the administration is trying to dismantle their work area. Non-unit professionals are running a mandatory student orientation program. The retirement of key administrative personnel has been unsettling.

### *Massasoit CC*

Morale and funds are low. The College did a \$500,000 study to explore the possibility of expanding into Middleboro and has decided to pursue the expansion. Deans appear to be ignoring the "ineligible to hire" list when assigning DCE faculty. Treasurer Mahler explained that local leadership should insist that the contract be honored.

### *North Shore CC*

Morale is low; the workload agreement is not being honored. The Chapter may have to take the workload grievance out of abeyance to force management to honor its agreement.

### *Northern Essex CC*

The professional staff members at Northern Essex are trying very hard to keep the "professional" in professional staff. They are being asked to work in a time clock-like environment.

### *Roxbury CC*

Two full-time lab technicians are being hired to handle the increase in lab sections.

### *DCE*

Director Cipora reported that many courses at Holyoke CC have maximum enrollment. The adjuncts are feeling the pressure of the enrollment increases.

### ***Condominium Expansion***

The Executive Committee recommends that MCCC investigate renovating existing office and storage space to create another conference room rather than purchasing the adjoining condominium.

### ***Day Contract Joint Committee on Workload***

President LeBlanc reported that only one member has volunteered to be on the Day Contract Joint Committee on Workload. Members need to contact President LeBlanc if they are interested in serving.

### ***Impact of Increased Enrollment***

The Executive Committee will discuss the impact of increased enrollment at its next meeting.

## **ANNOUNCEMENTS**

### ***Labor Education Center Dinner***

There are three seats available for the UMass Dartmouth Labor Education Center Award Dinner in Swansea on October 22, 2009. Please contact Secretary Guarino if you are interested in attending.

### ***NEA Higher Education Conference***

Members interested in obtaining funding to attend the NEA Higher Education Conference in San Francisco should email President LeBlanc with a statement of intent outlining reasons for attending and MCCC

involvement by November 4, 2009. The Executive Committee will consider all applications for funding at its November 6, 2009, meeting.

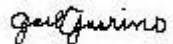
***Press Round-up***

President LeBlanc distributed several articles.

The meeting adjourned at 3:40 p.m.

The next Board of Directors' meeting is scheduled for November 20, 2009, at 10:30 a.m.

Respectfully submitted,



Gail Guarino, Secretary