

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, October 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), Claudine Barnes (CC), Michael Bathory (G), Kathleen McDonough (H), Lois Martin (Ma), Ned McGuire (MB), Elena Natalizia (MW/alt.), Gail Stuart (NE), Abe Sherf (NS), Margaret Wong (Q), Clark Grain (R), Roberta Albano (ST); Sara Satham (MTA Board); Communications Coordinator Don Williams; MTA Consultants Katie D’Urso, Michelle Gallagher. **Guests:** Day Grievance Coordinator Dennis Fitzgerald; DCE Grievance Coordinator Joe Rizzo. **Not Present:** David Kalivas (Mi).

President Rick Doud called the meeting to order at 10:46 a.m.

The Board adopted the agenda, as amended, by consensus.

MOTION: Approve the minutes of the Board of Directors Meeting of September 16, 2005 (Curley/Mahler). **PASSED.**

REPORT OF THE PRESIDENT

President Doud kept his comments brief, given the upcoming reports from both of the grievance coordinators. He reviewed the contents of the folders, including information on Campus Equity Week and a Sustainable Jobs/Sustainable Workplace Conference at UMass Lowell, October 27-28. He expressed relief and delight that the governor has forwarded the Day contract to the legislature. He observed that working to rule seems to have had an impact on the college presidents, getting them on board the effort to get the contract funded. He noted that it is now time to start again, bargaining the next contract. President Doud also reported that the Professional Development Committee will finally start to meet. Two of the original MCCC members are still interested in serving; one additional member is needed.

REPORT OF THE DAY GRIEVANCE COORDINATOR

Coordinator Dennis Fitzgerald distributed his Fall 2005 Day Unit Grievance Report and copies of the latest MCCC Day Unit *Grievance Training and Contract Enforcement Manual*. The latter is a comprehensive “how to” guide for addressing contractual problems. Anyone who calls Dennis for help should know that he will be referring to both the contract and this handbook in responding.

The theme of Coordinator Fitzgerald’s remarks was, “I can’t believe it could happen to me.” Unit members at several campuses have been shocked with the threat of discipline, even retrenchment, sometimes because of one student complaint or one ruffled dean. Coordinator Fitzgerald lamented the fact that most unit members think only about money when they think of the contract, not about the protections the contract offers them. He also noted the employer’s practice over the last twelve years of appealing arbitration decisions to Superior Court, something the union has never done. The argument is over the “just cause” standard for firing, and an arbitrator has again sided with the MCCC, finding that there *is* such a standard, despite the colleges’ arguments to the contrary. Furthermore, the Superior Court has upheld the arbitrator’s decision, but this case will

probably be pursued even further—to the Supreme Judicial Court level—by management, intent on preserving the concept of “non-delegability” when it comes to hiring and firing. Meanwhile, the two Mass Bay unit members embroiled in this case have been reinstated with back pay, medical reimbursement, etc.—after three years of fighting their retrenchments. Coordinator Fitzgerald also commented on several grievances resolved in mediation, noting that the result in these cases is a compromise between the parties rather than a finding of guilt. Issues in these cases include academic freedom, evaluation, seniority, promotions, workload, and re-trenchment. One of these cases involved the five colleges who shorted their December 2003 retirees one week’s salary. The payout is being made in two installments and amounts to more than \$58,000.

In thanking Coordinator Fitzgerald for his report, President Doud encouraged directors to use it as a tool to help unit members understand what the union does for them. They need to know that both the MCCC and the MTA will do whatever is necessary to defend “just cause,” and that this will be an expensive task.

Vice President LeBlanc asked President Doud to make sure that all involved in the Mass Bay cases are congratulated and thanked. It was also suggested that President Doud ask the college presidents to put pressure on their attorney to resolve the disputed unit positions (CAS cases) which have lingered on for years.

REPORT OF THE DCE GRIEVANCE COORDINATOR

Coordinator Joe Rizzo distributed his Fall 2005 DCE Report and began his presentation by referring to the remarks of Elaine Bernard, the speaker at Fall Leadership Night, who stressed that unions are under attack. He noted that the DCE Contract is even more vulnerable than the Day Contract and made the point that adjuncts need advocacy beyond contract maintenance *per se*. He cited the destruction of part-timers’ materials at Middlesex as a particularly disturbing incident.

A perennial issue under the DCE contract is eligibility for unemployment benefits. Coordinator Rizzo has seen a “clamp down” by administration in this area, but reported that the courts continue to side with the union. Another ongoing issue is that of pro-rated pay for under-enrolled courses. While there is currently a moratorium on changes to individual campuses’ policies, pending the report of a joint union/management committee, Coordinator Rizzo continues to hear concerns about disparities in the magic number from one campus to another. Another trend is towards strict interpretation of contract language in order to non-reappoint. Coordinator Rizzo also called attention to the fact that there are many “missing” unit members—employees who should be in one unit or the other, but who are in neither. There may be as many as 52 of these individuals at STCC alone. He is also looking into a Diversity Program being implemented at Springfield, Greenfield, and Holyoke; participants may not be being paid *per* either the Day or DCE Agreement. Finally, Coordinator Rizzo noted that as many as half of potential grievants do not pursue their claims—they feel too vulnerable and hurt by accusations. “How could this be happening to me,” holds true for this unit, too, he said, echoing Coordinator Fitzgerald.

Coordinator Rizzo thanked the DCE Grievance Committee for their hard work on all of these issues. He also thanked Treasurer Mahler for the great job he has done putting DCE information on the MCCC Web Page. President Doud and others thanked Coordinator Rizzo for his work on behalf of the membership.

REPORT OF THE VICE PRESIDENT/SAC/DAY BARGAINING

Vice President Joe LeBlanc, Chair of the Day Bargaining Team, announced that the 2003-2006 Agreement is included in a supplemental bill sent by the governor to the legislature yesterday. He expressed the opinion that it would be wise for the chapters to go off of work to rule at this point, allowing for a return to work to rule, if necessary, in support of the next contract, which will be negotiated very soon. He said he would be happy to visit chapters to discuss this strategy.

The vice president reported that the current focus of the Strategic Action Committee is on moving the bills on adjunct health insurance and pension out of the Public Service Committee; supporting the 03 creditable service bill, which has moved out of that committee and is on its way to either the House or Senate Ways and

Means Committee; and supporting the Higher Education Reform Act, which will bring tens of millions of dollars to public higher ed over the next few years. The vice president and several MCCC members have recently testified at the State House in support of these initiatives.

Vice President LeBlanc also distributed research conducted at his request by Research Coordinator Hilaire Jean-Gilles regarding full-time vs. part-time faculty numbers in the system; he encouraged directors to note the trend towards more and more reliance on adjuncts. Noting that the week of October 31-November 4 has been designated Campus Equity Week, he encouraged activities in support of adjuncts. Numerous suggestions for activities are available at www.campusequityweek.org.

REPORT OF THE TREASURER

Treasurer Phil Mahler introduced Meg Kennedy, the new member of the office staff, and said she is doing a stellar job and is a joy to have on board. The treasurer also distributed the financial statements, cautioning that it is still early in the fiscal year to depend on the numbers he is sharing. On the things that are predictable, income and expenditures are about the same as last year and are within the budget. The treasurer predicted that membership numbers will also be about the same as last year; any increase in revenues will be from the dues increase and will be relatively small. He reported that the office will now be getting the MTA membership lists in Excel as well as hard copy, resulting in much easier reconciliation of the MCCC and MTA lists. He also hopes to gain access to the MTA data base in the near future. Treasurer Mahler also noted that the auditors are currently conducting the annual audit, and things seem to be going well. The next “headache” for the office is finding and collecting from Day part-time members. In the new contract, the Team successfully bargained Treasurer Mahler’s request that the colleges share the list of all Day part-timers, not just new hires, every year. This new language should help, but the office staff will have to take on additional responsibility in this effort.

REPORT OF THE SECRETARY

Secretary Phyllis Barrett reported that 47 individuals signed in at Fall Leadership Night. With the officers, coordinators, and consultants, there were more than 50 present. In her capacity as chair of the Personnel Committee, she announced that the committee will meet at 2:00 on October 31 at Mechanics Place to begin a review and discussion of the treasurer’s position. Secretary Barrett also distributed copies of a Letter to the Editor of the *Springfield Republican* by Maureen O’Brien, the former newsletter editor at STCC, on the issue of the stalled Springfield K-12 contract talks and the need to support public education generally.

HEALTH AND WELFARE

Trust Board member Abe Sherf reported that the Board met on September 23 and will meet again on October 28. He reported that because those covered by the dental insurance—individuals from various higher ed units—really use the benefits, the insurer has a slim profit margin and may ask for an increase in the rate. There would be no effect on members if that were to happen, because there is now a healthy reserve in the trust account. Abe also reported that he fielded one complaint recently, while in the past he had many calls. MetLife seems to be very popular with members.

MTA BOARD

Board member Phil Mahler reported that there was a lengthy discussion of the situation in Springfield, where K-12 teachers are in eternal contract talks, at the recent Board meeting. The goal is to make everything “merit” based. He reported that the MTA is putting a lot of money and time into the effort to help the teachers. He warned that higher ed is not immune to this kind of incursion, that the “MCAS mentality” is coming our way. Another lengthy discussion at the meeting was about MTA retired issues. He and fellow Board member Sara Satham favor a task force to address these concerns. Finally, Phil reported that he raised the issue of the lack of higher ed-oriented sessions in Williamstown at a recent HELC meeting. Those present

agreed that there should at least be a HELC session there each summer—something like the higher ed caucus at MTA’s Annual Meeting perhaps--and advance warning if BHE Chair Tocco will not be visiting.

MTA CONSULTANTS

Consultant Katie D’Urso fielded questions rather than give a formal report. Like others, she expressed enthusiasm about the fact that the contract is on its way to being funded, reminding directors to be thankful to members of the Day Team for securing the agreement and to the grievance coordinators, Dennis Fitzgerald and Joe Rizzo, for defending it so well. Consultant Michelle Gallagher concurred.

COMMUNICATIONS

Coordinator Don Williams distributed the latest newsletter. A photo of the college presidents’ visit to last month’s Board meeting appears on page one. Coordinator Williams asked directors for tips on stories about adjuncts.

NEW BUSINESS

A. Motion from the Finance Committee (Policy Change)

MOTION: The MCCC will reimburse individuals for travel who are invited by the president to Board of Directors and Executive Committee meetings. The reimbursement will be applied as it is to Board members. **PASSED.**

B. Nominations and Elections Committee Motion (Policy Change)

MOTION: If the number of certified candidates for MTA delegate is less than or equal to the number permitted, then those candidates are deemed elected. A ballot process will be conducted to permit write-in candidates for non-filled slots, or to be named successor delegates. **PASSED.**

C. Executive Committee Motion

MOTION: The MCCC will donate \$1,000 to the American Association of Community Colleges’ Hurricane Relief Fund. **PASSED.**

D. Campus Equity Week

MOTION: The MCC Board of Directors urges its chapters to participate in Campus Equity Week Activities and to involve as many adjuncts as possible in this effort (LeBlanc/Curley). **PASSED.**

The meeting adjourned at 2:41 p.m.

Respectfully submitted,



Phyllis Barrett, Secretary