

Massachusetts Community College Council

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

Minutes of the Board of Directors' Meeting
Mechanics Place, Worcester, Massachusetts
Friday, November 20, 2009

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

Not Present: Joseph O'Neill (MB), Stephen Proietti (NE), MTA Consultant Miles Stern

Guests: MCCC Research Coordinator Hilaire Jean-Gilles, MTA Staff Attorney Matt Jones

President LeBlanc called the meeting to order at 10:50 a.m.

The Order of Business was adopted by consensus.

The minutes of the October 16, 2009, Board of Directors' meeting were accepted.

REPORT OF THE PRESIDENT

President LeBlanc started his report with dire financial news. In a presentation to the New England Board of Higher Education, Donald J. Boyd of the Rockefeller Institute presented a bleak vision of the Commonwealth's revenue crisis. Unless taxes are increased, Massachusetts' revenues will not increase significantly any time soon. Highlights of the presentation include the following:

- The current 10 percent drop in sales tax revenues is worse than 1973, 1980, 1990, and 2001.
- State tax collections for January to March 2009 fell 11.7 percent, the sharpest decline in 50 years.
- Economic recovery does not mean a recovery in state revenues. Unless taxes are increased, state revenues could take 3 to 5 years to recover.
- Massachusetts relies heavily on income tax revenue at 54.1 percent of total taxes. Income taxes revenues recover at a slower pace than sales tax revenue.
- ARRA money is helping states avoid financial disaster.

President LeBlanc reported that the National Association of Government Employees (NAGE) and the Massachusetts Organization of State Engineers and Scientists (MOSES) agreed to contract reversions including furloughs and a year's delay in salary increases. The state promised to work on a five/five early retirement program, which will need legislative approval, and to maintain the current GIC splits or co-pays through June 30, 2011. The MCCC has not been contacted by our employer to discuss reversions. Because full-time employment for MCCC members has been flat and community college enrollments increasing, the Union can hope that we will not be asked to revisit the terms of the new contract.

President LeBlanc also reported that the remaining money for licenses and certifications will be paid soon.

The Board of Higher Education's fiscal year 2011 budget proposal calls for a 7.2 percent cut for all community colleges. Unless some of the remaining ARRA funds are allocated to public higher education, fiscal year 2011 looks grim. The MTA, MCCC, and other higher education unions are asking questions with a goal of possibly filing a formal challenge over the amount of ARRA funds allocated to higher education, claiming that there is still

money owed to higher education. The Board of Higher Education is also proposing a \$3 million supplemental budget in fiscal year 2011 to fund additional full-time positions at community colleges. These supplemental funds would be allocated using current enrollment data. The Board of Higher Education recognizes the vital role that community colleges play by serving 78 percent of the total enrollment increase for public higher education this year. The students “are enrolled in academic and occupational training programs that provide a catalyst for economic growth.”

President LeBlanc reported that the Julie Johnson from MTA Governmental outlined the proposed changes to the pension system at the most recent Higher Education Leadership Council (HELC) meeting. Some of the changes could impact current employees, including extending the number of years for calculating a pension from the three best years to the five best years.

President LeBlanc shared email correspondence from Barbara Graham Cooper, Chair of Two-Year College English Association (TYCA) of New England with regard to the Board of Directors’ vote to boycott their conference at the Hyatt in Boston.

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

Vice President McGee reported on the following legislative updates:

- SB 1173, the ORP Buyback bill, is being reviewed by the Public Service Committee. All ORP faculty members are being asked to contact their legislators asking them to urge the Chairs of the Public Service Committee to give a favorable recommendation to SB 1173. Chapter ORP representatives have been asked to report on ORP activity at their chapters.
- SB 1082, the Adjunct Faculty Pension bill, was heard by the Public Service Committee on November 16, 2009. This bill allows part-time faculty who teach at least four, three-credit courses per calendar year at one or more state higher education institutions to earn creditable service for this time.
- HB 2487, the Retiree Cost of Living Adjustment (COLA) bill, would increase the base amount for retiree COLAs from \$12,000 to \$16,000. The bill was heard by the Public Service Committee on October 26, 2009.

Vice President McGee reported that the Pension Commission Report was presented at an open meeting at the State House on November 9, 2009. One of the report’s conclusions is that is that a defined benefit retirement system (SERS) is cheaper for the state and better for employees’ retirement security than a defined contribution program (ORP.)

Vice President McGee announced that the deadline for applications for MCCC Legislative Internships is January 30, 2010, for spring internships and March 1, 2010 for summer internships. The MCCC awards stipends of \$500 for these internships. Complete details are available on the MCCC website.

Vice President McGee reported that she has been appointed to the MTA Revenue Enhancement Committee, which will focus on revenue enhancement strategies, education of the MTA members and the public on revenue issues, partnerships with other coalitions, and legislative support.

The Strategic Action Committee (SAC) met on October 29, 2009. The committee agreed to work with chapter colleagues on the ORP campaign and passed a motion to endorse HB 1110, the 75/25 full-time/part-time faculty ratio bill, as part of the MCCC’s legislative agenda. The ORP Ad Hoc Committee met on October 21, 2009, and agreed to organize their campuses for political action in support of the SB 1173.

REPORT OF THE TREASURER

Treasurer Mahler reported that the nomination web page for the spring 2010 MCCC elections will be published within the week. The new centralized chapter payroll process is progressing. Chapter treasurers are urged to transmit the necessary payroll forms to the MCCC office as soon as possible.

The Finance Committee met on October 27, 2009, and is recommending two motions involving reassigned time. The preliminary meeting with the auditors was held on October 30, 2009. The auditors presented a worksheet for the new version of the 990 tax form for non-profits and asked for the completion of about 50 other items. After working with the auditors and Consultant Cindy Henderson for a week, the audit is close to completion.

The auditors plan to present the audit for July 1, 2008 to June 30, 2009 at the January Board of Directors' meeting.

Treasurer Mahler distributed and discussed the MCCC Profit and Loss Statement through October 2009 and the MCCC Balance Sheet for October 31, 2009.

REPORT ON DCE BARGAINING

Chair of the DCE Bargaining Team, Diana Yohe, reported that a tentative agreement has been reached; ratification materials will be mailed to members soon. DCE Cluster meetings are being scheduled across the state to address members' questions about the tentative agreement. Members' votes must be received by December 10, 2009, at 4 p.m.

MTA CONSULTANTS' REPORTS

Consultant D'Urso urged members to attend the MTA Higher Education Conference on December 4 and 5, 2009. Dennis Van Roekel, President of the NEA, will be in attendance.

Consultant D'Urso distributed a summary of the overtime issue. Under Federal law, employers are required to pay overtime to all "non-exempt" employees who work more than 40 hours per week. Employers are not required to pay overtime to "exempt" employees. "Exempt" employees are defined by Federal law as employees who earn more than a certain amount of money annually and who have significant control over their work. Community college faculty are "exempt" employees. "Non-exempt" employees are defined by Federal law as employees who are usually paid hourly or earn less than a certain amount of money per year and who don't have significant control over their work lives. It is unclear whether community college professional staff are "exempt" or "non-exempt" employees. Most likely, higher grade professional staff positions will be considered "exempt" and lower grade positions, "non-exempt." Bristol CC and Massasoit CC are currently taking the position that all professional staff are "non-exempt" and therefore the college has to pay them overtime for work over 40 hours per week. Currently, Day Team Chair Rick Doud and Consultant D'Urso are working with MTA Attorney Matt Jones to develop a strategy for forcing colleges to appropriately designate professional staff as "exempt" or "non-exempt."

Consultant D'Urso reported that the arbitration victory at Holyoke CC, where a retrenched faculty member was reinstated, has been overturned in Superior Court. The Union will appeal this decision. The administration at Roxbury CC is ignoring the arbitrator's decision in the denial of tenure case. The Union is taking steps to see that the arbitrator's decision is honored.

COMMUNICATIONS REPORT

Communications Coordinator Williams reported that the October *MCCC News*, with its emphasis on "Reversing Course," will be mailed this week. The mailing list for the MCCC News has 7,308 names including the Governor, NEA leaders, and all Massachusetts' legislators. DCE ratification materials were mailed on November 20, 2009, to the 4,683 eligible voters. The order for MCCC rolling ball pens is in the process of being finalized.

MTA BOARD REPORT -

MTA Board members McGee and Wong distributed a written report. Director Wong spoke to the importance of keeping the initiative to lower the sales tax to 3 percent off of the ballot. Barbara Capuano, wife of MTA endorsed Senate candidate Mike Capuano, spoke to the MTA Board. She said that the MTA's endorsement was very important to candidate Capuano because of his commitment to improving public education. She emphasized that Representative Capuano will not compromise on war/peace, civil rights, and human rights. MCCC/MTA members should visit www.mikecapuano.com to find out more about the candidate.

HIGHER EDUCATION LEADERSHIP COUNCIL (HELIC) REPORT

Vice President McGee reported on the November 13, 2009, HELC meeting. The Council reviewed the Pension Reform Commission Report. The Commission's proposals would, for the most part, impact new members. The Council expressed concern about the tiered system of benefits that the proposals would eventually create. Changes in bylaws regarding who can hold office were defeated.

RESEARCH COORDINATOR REPORT

Research Coordinator Jean-Gilles distributed and presented his *Research Report Fall 2009*, which includes the following data:

- Five Massachusetts community colleges have an estimated 12 percent or greater increase in enrollment for fall 2009 compared with fall 2008.
- The increase in enrollment in Massachusetts community colleges from fall 2005 to fall 2008 is 12 percent.
- From fall 2008 to fall 2009 the increase in DCE members in Massachusetts community colleges is almost 12 percent.
- Full-time faculty in Massachusetts community colleges declined from 1,524 in fall 2008 to 1,497 in fall 2009.
- The average full-time faculty salary at Massachusetts community colleges is \$9,282 below the 75th percentile of colleges used in the Classification Study.
- Sixteen percent of the new hires since May 2009 were hired above classification salary.
- Over the last 10 years, the average cost of attending a Massachusetts community college has risen by 78.47 percent.

MTA LEGAL SERVICES

MTA Staff Attorney, Matt Jones, reported on the DCE health care lawsuit that will be filed in Superior Court the week of November 23, 2009, on behalf of several representative plaintiffs, all of whom are contingent faculty in public higher education. The MTA will issue a press release about the law suit next week. The story may run in the *Boston Globe*. The lawsuit is asking for a summary judgment that will grant full health insurance benefits to faculty who teach half time or more and prorated health insurance benefits for faculty who work less than half time. Teaching three or more courses a semester at any number of public higher education institutions would constitute half-time employment. The MTA is seeking to reform current health insurance benefit's policy through the courts. The lawsuit is expected to take one to two years to resolve. MCCC members Betsy Smith, John Cipora, Cynthia Duda, Patrick Lochelt and Maria Vita Calkins are plaintiffs. As the lawsuit moves forward, the Union will need to protect faculty and watch hiring practices and course assignment practices across the state.

NEW BUSINESS

Motion: Appoint Claudine Barnes (CCCC), Mary Folan (BHCC), Tiffany Magnolia (NSCC), Ellen Pratt (MWCC), and Andria Schwartz (QCC) to serve on the Joint MCCC/BHE Workload Committee, the first of three such committees to be organized under the Day Agreement. (Doud/Shivers) **Passed**

Note: This committee will meet for the first time in December with regular meetings to follow in the spring.

Motion: Appoint Vincent Grassetti (STCC) to the Joint CAS Committee. (Shivers/Albano) **Passed**

Motion: Accept the evaluations for Coordinators Fitzgerald, Jean-Gilles, Rizzo, and Williams. (Personnel Committee) **Passed with minor edits**

Motion: Approve MCCC Policy changes. (Executive Committee) The revised MCCC policies were distributed for review. The discussion and vote will take place at the January Board of Directors' meeting.

Motion: Endorse House Bill 1110, a bill that would set the full-time/part-time faculty ratio at 75/25. (Strategic Action Committee) The vote was postponed until there is clarification of the term "state-supported courses."

Motion: Provide one section of reassigned time or the equivalent stipend per fiscal year for Executive Committee at-large members, to commence in the spring 2010 semester. (Finance Committee) **Passed**

Note: Funding for spring 2010 will come from reserves.

Motion: Provide one section of reassigned time or the equivalent stipend per fiscal year for MCCC members who serve on the MTA Board, to commence in the spring 2010 semester. (Finance Committee) **Passed**

Note: Funding for spring 2010 will come from reserves.

Motion: Provide one section of reassigned time to Tiffany Magnolia (NSCC) to support a grassroots organizing initiative to be launched in spring 2010. (Recko-Morrison) **Passed**

Motion: Approve the policy for the John A. Palmer III Memorial Award (Executive Committee) The language for the new policy was distributed for review. The discussion and vote will take place at the January Board of Directors' meeting.

DISCUSSION/ANNOUNCEMENTS

Campus Round-up

Berkshire CC

Director Recko-Morrison reported that all is well at Berkshire CC.

Bristol CC

Director Yohe reported that the Board of Trustees of Bristol CC is controlled by College President. The faculty's voice is no longer an important part of the search committee process. DCE faculty must report to Dean for missed classes on a newly devised class cancelation form. Management also wants full-time faculty to use the class cancelation form and to submit a plan for making up work for taking personal days.

Bunker Hill CC

Director Satham reported that the Adjunct Faculty Center was expanded by taking a classroom. In spring 2010 classes will be offered at midnight and at 9 and 10 p.m.

Cape Cod CC

Director Barnes reported that Cape Cod CC had a very contentious and active month.

Greenfield CC

Director Freeland stated that management's explanation for use of ARRA funds is confusing, but the college has lots of new furniture. Greenfield is undergoing a NEASC self-study; the chair of the NEASC Self-Study Committee wants to exclude anything negative from the self-study report

Holyoke CC

Director Marcus reported that an email from management stated that "Dennis Fitzgerald has an overly expansive idea of what constitutes Unit work." This statement was made in regards to the issue of who does student orientation. The President of the College came to chapter meeting to address various issues. Because he had questions prepared by the chapter two weeks before meeting, the meeting was both positive and informational.

Massasoit CC

Director Kearns reported that a gala raised \$50,000 for student scholarships. The chapter petitioned the President to find out what was done with stimulus money. This past week, management reported that ARRA money is funding the salaries of all non-unit professionals.

Mount Wachusett CC

Director Shivers reported that currently Mt. Wachusett CC is on four-day schedule except for select classes. The administration is evaluating the efficacy of both four- and five-day class schedules. Management wants a five-day schedule; faculty want a four-day schedule. Management also wants to cut free periods from four to two. Professional staff employees work a five-day week.

North Shore CC

Director Ponticelli reported that morale continues to go downhill. North Shore CC completed its 10-year accreditation. When the Accreditation Team visited, the faculty voiced its opinion. At MACER meetings, the President of the College is dismissive of faculty concerns.

Roxbury CC

Director Grain reported that the good news is that two full-time lab technicians were hired. The bad news is the administration's behavior with regard to a recent tenure arbitration decision.

Springfield Technical CC

Director Albano reported that a number of non-unit professionals and the Chapter President are being paid from ARRA funds.

DCE

Director Farrenkopf reported that Bunker Hill CC is adding one more midnight course to the spring 2009 schedule. Director Cipora reported that a DCE Cluster meeting was small but enthusiastic. The college funded Jack Mino's teaching academy for January 2010. Up to 18 DCE faculty members are paid \$500 to attend the four-day academy.

Furloughs and Other Challenges in Tough Fiscal Times

President LeBlanc stated that any requests for contract "take backs" - when and if they occur - will go to the Day Bargaining Team. He is opposed to furloughs, but feels that now is not the time to put pressure on legislature to fund our contract because the state's economic problems are dire.

ANNOUNCEMENTS

MTA Vice President Paul Toner called to announce that the Group Insurance Commission (GIC) voted today to increase a variety of co-pays. This is the first time this has happened midway through a fiscal year.

President LeBlanc thanked all members for the letters and calls to legislators in opposition to the flawed charter school legislation.

President LeBlanc distributed a letter from the Jack Kent Cooke Foundation announcing scholarship opportunities for community college students and alumni. More information is available at www.jkcf.org.

MTA Higher Education Conference

President LeBlanc asked MCCC members to join other public higher union members at the first MTA Higher Education Conference on December 4 and 5, 2009, at the Sheraton Framingham Hotel & Conference Center.. Register online at http://www.massteacher.org/teaching/conferences/conferences_helc.cfm. The MCCC will reimburse up to \$50 for expenses.

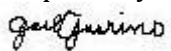
Press Round-up

President LeBlanc distributed several articles.

The meeting adjourned at 4:00 p.m.

The next Board of Directors' meeting is scheduled for January 22, 2009, at 10:30 a.m.

Respectfully submitted,



Gail Guarino, Secretary