

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 15, 2004

Present: President Rick Doud, Vice President Joe LeBlanc, Treasurer Philip Mahler, Secretary Phyllis Barrett; Liz Recko-Morrison (Be), Paulette Howarth (Br), Geri Curley (BH), Gail Guarino (CC), Michael Bathory (G), Kathleen McDonough (H), Lois Martin (Ma), Tom Parsons (MB), Ken Dunn (Mi), Bonnie Toothaker (MW), 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. **Guests:** Day Grievance Coordinator Dennis Fitzgerald; DCE Grievance Coordinator Joseph Rizzo; Bob Gillies (Bylaws Chair).

President Rick Doud called the meeting to order at 10:35 a.m.

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

MOTION: Approve the minutes of the Board of Directors Meeting of September 17, 2004 (Sherf/Parsons). **PASSED.**

REPORT OF THE PRESIDENT

President Doud reported that Michael McSweeney (BH) has agreed to serve on the Bylaws Committee and that the committee memberships are now complete. The president also reported that the Appeals Protocol has now been signed by all parties; the next meeting of the committee will be on November 17. The president also reported that he, Vice President LeBlanc, and Consultant Gallagher have scheduled another meeting with the college presidents' labor relations committee; the goal is to complete bargaining on a new three-year contract in a timely fashion, and the first hurdle is, of course, to reach agreement on money. As he reported last month, President Doud and other union presidents met with BHE Chair Stephen Tocco to discuss the agency fee bargaining issue last month, but there has been no word from him on this issue. MTA President Catherine Boudreau will continue to press Mr. Tocco on this matter. In a related matter, the MSCA is asking for help in their effort to demonstrate at the BHE meeting to be held at Mass Maritime on Tuesday, October 19. President Doud reported that 14 of the 15 community college campuses are now officially on work-to-rule. He recently sent out a letter for distribution to students with talking points about the issue and thanked Communications Coordinator Don Williams for his help on this project and with ordering the "Tell Mitt" buttons. Finally, President Doud reported that he and Vice President LeBlanc attended a great chapter meeting last month at Greenfield. They will be visiting several campuses this month: Mass Bay on October 18, Bunker Hill on October 19, and North Shore on October 26.

REPORT OF THE VICE PRESIDENT/SAC/DAY BARGAINING

On the political action front, Vice President Joe LeBlanc stressed the priority of the upcoming election, asking MCCC members to respond as never before in support of pro-public higher education candidates for state office. He reported that the MCCC-PAC will be sponsoring events in support of Senators Antonioni, Fargo, and possibly Murray. Members are invited to seek PAC support to attend other events. Chapters are urged to track their volunteering and report the results to him. For those who are concerned, he reiterated that it is not in violation of state law for a union to be communicating to its members about candidates. On the points funding issue, the vice president noted that MCCC lobbyist Charlie Flaherty continues to track this issue; there is at least a remote possibility that the legislature will take up an override vote as early as this fall.

In Day Bargaining news, Chair LeBlanc reported that the Day Team has filed a Demand to Bargain and offered three dates in December to begin negotiations of the next three-year *Agreement*. The Team met on October 13 to refine its demand package. Once a research report from JBL Associates arrives, probably in November, the Team will be ready to commence negotiations. Chair LeBlanc also reported that he and MTA Consultant Stan Smith did impact bargaining at Massasoit recently on the ID card issue; at Mass Bay, on a first-year program for new employees and on academic reorganization; and at Bristol, on the issue of nursing salaries. Chair LeBlanc spoke with Peter Tsaffaras at the BHE this week on the issue of adding so-called BHE peer institutions to the unit professional staff research project; there is likely to be a delay of a few weeks in completing this project if additional schools are added, but it is the BHE's prerogative to make such a suggestion, given that they are co-funders of the project. Chair LeBlanc also reported that he attended a meeting of Higher Ed Unions United (HEUU) earlier this week. The group remains focused on the retroactive funding issue and have not yet turned their attention to a successor agreement. Vice President Le Blanc will be sending out regular work-to-rule updates; chapters should send him news for the next update, which will go out the week of October 25.

REPORT OF THE TREASURER

Treasurer Phil Mahler reported that Phil Kennedy did a "clean up" on the Day membership lists that resulted in good news: in fact, the MCCC did not finish the fiscal year in the red, as previously reported. Within a few weeks, it will also be clearer how recent hiring of full-time members will affect the overall income situation. The treasurer also reported that the office staff recently met with the MTA Membership staff and had a productive discussion about procedures and improving communication. The treasurer is encouraged that progress is being made in addressing these membership problems. Treasurer Mahler also reported that the office has installed new software to increase productivity; the workload was exceeding the capacity of the existing programs. This is an especially busy time in the office, with fall DCE membership lists being processed as they come in. The office staff also continues to support the growing number of meetings and other requests for support from the leadership and membership. Treasurer Mahler also reported that the Finance Committee met on September 29; highlights were a discussion of items that need doing on internal processing and initial discussion about this year's budget process. The treasurer also distributed information on current membership by chapter and reviewed the financial statements. The treasurer warned that a dues increase will most likely be needed next year.

Operations Manager Phil Kennedy noted that he is currently working on chapter reimbursements; part of the hold up is the different paperwork involved in processing each chapter. He hopes to work with Treasurer Mahler on making this process more consistent and, hence, quicker.

HEALTH AND WELFARE REPORT

Abe Sherf reported that at the Trust Board's recent meeting, members heard a report from an attorney about the complications involved in adding an indemnity plan option to the payroll deduction list. Once these administrative problems are solved, there will be a vote on whether or not to implement the option. It was agreed that a note should be added to Abe's regular feature in the newsletter, reminding new members that their benefits go into effect six months after initial employment.

REPORT OF THE MTA CONSULTANTS

Consultant Katie D'Urso reported that an arbitrator upheld the college's decision to hire a DCE unit member over a full-time professional staff member, both of whom applied for a full-time faculty position, in an arbitration case at Bunker Hill. While the grievant had more experience and priority under the contract, the college argued that the person chosen had more community college teaching experience, and the arbitrator refused to overturn the professional judgment call of the administration. Interestingly, the arbitrator did find the hiring process flawed and would have ordered a re-posting had that been part of the remedy request.

Consultant Michelle Gallagher recognized some unit members who have gone above and beyond on the election effort: Roberta Albano, Rich Serino, and Maureen Bourbeau from STCC came all the way to

Auburn to work phone banks. And Tom Parsons from Mass Bay gets the award for the heaviest recruiter—he's drafted the vast majority of individuals involved in phone banking.

COMMUNICATIONS

Coordinator Don Williams reported that the October issue of the *MCCC News* is in the mail. The buttons for the work to rule action –“Tell Mitt”--are also ready for pick up by directors today to take to their chapters. Coordinator Williams also noted the availability of a flyer with talking points to explain work-to-rule to students. The coordinator discussed plans for the next newsletter, including a story about DCE faculty being hired into full-time positions.

REPORT OF THE DAY GRIEVANCE COORDINATOR

Day Grievance Coordinator Dennis Fitzgerald reported that there are currently about 60 grievances pending at various levels, with all fifteen chapters represented in the list as well as a system-wide grievance. The mediation process continues to be very successful, with about 30 mediations a year, eighty percent of which are resolved to the mutual satisfaction of the parties. Coordinator Fitzgerald alerted directors to recent cases that highlight the need for vigilance. These included a Massachusetts Labor Relations Commission case involving transfer of unit work out of the unit at Holyoke. Coordinator Fitzgerald stressed the need to review postings and alert him to this kind of change or other problems. For example, the colleges were also posting jobs with titles and compensation that did not reflect the Classification Study; a system-wide arbitration has been resolved on this issue, mandating that the colleges use the closest appropriate title and add “Pending and subject to the Classification Study” to the postings. Individual members should also be sure to check the seniority list each October, checking particularly to see if they have been given appropriate seniority in multiple work areas, if applicable. Another recent area of concern for Coordinator Fitzgerald is the disparity in the way retirees on different campuses fared financially. Five of the fifteen colleges insisted that retirees were owed one less week of salary than the other ten community colleges and the nine state colleges. Both chapter and individual grievances have been filed and should be scheduled for mediation this fall. Finally, Coordinator Fitzgerald distributed copies of his Grievance Training Manual and reminded those who seek his help that this is their mutual source of answers to questions that arise.

REPORT OF THE DCE GRIEVANCE COORDINATOR

DCE Grievance Coordinator Joe Rizzo began by mentioning his ongoing activism in the Distance Education arena, noting that the MCCC is way ahead of the state colleges in having a collective bargaining agreement in this area. He and Consultant Michelle Gallagher did a collective-bargaining oriented presentation at a Distance Ed conference this summer. In his report on DCE Grievance matters, Coordinator Rizzo expressed concern about recent problems with scheduling mediations and then summarized important trends. These include good news in the area of winning unemployment benefits for DCE unit members: about thirty cases were filed this past summer, and almost all were resolved favorably. Coordinator Rizzo also reported that DCE unit members seem to be gaining success in transferring into full-time position; the colleges seem to be taking Article 16 more seriously as they make hiring decisions. At Roxbury, where there is a history of grievances involving duplicate assignments, termination and discrimination cases, etc., the good news is that several problem administrators have departed, and the grievances they elicited have resulted in cash awards and job restoration. Per capita pay for under-enrolled courses continues to be a source of problems on many campuses. Unit members are reminded that they must give their permission before a course stipend can be pro-rated; grievances have been won in cases where this procedure was not followed. Coordinator Rizzo also noted that there is a disturbing trend of non-reappointment, purportedly for poor performance, which might, in fact, reflect age discrimination. Finally, Coordinator Rizzo reported that quite a few new unit members took the advice offered in a recent MCCC newsletter to withdraw their OBRA funds regularly, but that some of the colleges refused to process the requests. The Community College Counsel's Office has told the colleges they must honor these requests. It is still not clear what impact participation in OBRA might have on an individual's Social Security status; the answer is being sought.

NEW BUSINESS

A. Roxbury Demonstration

MOTION: That the MCCC Board support a resolution passed by the Roxbury chapter to demonstrate on October 30 at the governor's residence to protest the veto of the points and his other anti-union and anti-public higher education stances (Grain/McDonough). **PASSED.**

Several chapters expressed interest in participating and asked for directions to Governor Romney's house. A demonstration permit will be sought, and there will be a press release ready for distribution.

B. House Endorsements

MOTION: Endorse the 61 candidates for the House of Representatives recommended by the Strategic Action Committee (Barrett/Albano). **PASSED.**

C. MTA CONSULTANT

MOTION: The MCCC Board thanks Stan Smith for excellent service as a temporary MTA consultant to the MCCC (Mahler/Curley). **PASSED.**

D. INVITATION

MOTION: Invite MTA President Catherine Boudreau, Vice President Anne Wass, and Executive Director Ed Sullivan to the next MCCC Board of Directors meeting for the purpose of sharing MCCC concerns about how to be more successful in achieving timely contracts and preserving collective bargaining rights (Sherf/LeBlanc). **PASSED.**

The Executive Committee will work on how to orchestrate the discussion, preparing a brief list of topics.

DISCUSSION/ANNOUNCEMENTS

A. Work-To-Rule

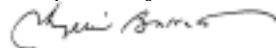
MOTION: Under work-to-rule, the MCCC will not participate in or partially fund the Teaching Learning Conference (Parsons/Guarino). **PASSED.**

B. Emerging Leaders Program

Consultant Michelle Gallagher reported that the Executive Committee has asked her to consider the possibility of melding an MCCC Emerging Leaders tract into the program she is already doing at Williamstown. She is thinking about how to do it, including meshing the program with the Executive Committee's Annual Retreat, and is working out the budgetary implications.

The meeting adjourned at 2:51 p.m.

Respectfully submitted,



Phyllis Barrett, Secretary

Attachment: Senate Endorsees

MCCC State Senate Endorsements

1. Robert Antonioni - Worcester & Middlesex (MWCC, Middlesex)
2. Ed Augustus - 2nd Worcester
3. Steven Baddour - First Essex
4. Jarrett Barrios, Middlesex, Suffolk and Essex
5. Fred Berry, Second Essex
6. Stephen Brewer, Worcester, Hampden, Hampshire and Franklin
7. Stephen J. Buoniconti - Hampden
8. Harriette Chandler - 1st Worcester (endorsed in June) (QCC, MWCC)
9. Katherine Clark - Middlesex & Essex
10. Robert Creedon, Second Plymouth and Bristol
11. Cynthia Creem - 1st Middlesex & Norfolk
12. Susan Fargo - 3rd Middlesex (Middlesex, NECC, MBCC)
13. John Hart, First Suffolk
14. Bob Havern - 4th Middlesex
15. Brian Joyce, Norfolk, Bristol and Plymouth
16. Michael Knapik, Second Hampden and Hampshire
17. Brian Lees, First Hampden and Hampshire
18. Thomas McGee, Third Essex and Middlesex
19. Angus G. McQuilken - Norfolk, Bristol and Middlesex
20. Joan Menard, First Bristol and Plymouth
21. Mark Montigny, Second Bristol and Plymouth
22. Richard Moore - Worcester & Norfolk
23. Michael Morrissey, Norfolk and Plymouth
24. Therese Murray - Plymouth & Barnstable (CCCC, Massasoit)
25. Andrea Nuciforo - Berkshire Hampden Hampshire & Franklin
26. Robert O'Leary - Cape & Islands (CCCC, Bristol)
27. Marc Pacheco - 1st Plymouth & Bristol
28. Steve Panagiotakos - 1st Middlesex
29. Pam Resor - Middlesex & Worcester (Middlesex, MBCC, MWCC)
30. Stanley C. Rosenberg - Hampshire and Franklin
31. Charles Shannon, Second Middlesex
32. Karen Spilka - 2nd Middlesex & Norfolk
33. James Timilty - Bristol & Norfolk
34. Steve Tolman - 2nd Suffolk & Middlesex
35. Robert Travaglini - 1st Suffolk & Middlesex
36. Susan Tucker - Second Essex and Middlesex (NECC, Middlesex)
37. Marian Walsh, Suffolk and Norfolk
38. Diane Wilkerson, Second Suffolk