

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, June 19, 2009

Present: President Joe LeBlanc, Vice President Donnie McGee, Secretary Gail Guarino, Liz Recko-Morrison (Be), Paulette Howarth (Br Alt), Sara Satham (BH), Claudine Barnes (CC), Rosemarie Freeland (G), Pennie Marcus (H.), Joseph O'Neill (MB), Rick Doud (Mi), Candace Shivers (MW), Rick Ponticelli (NS), Stephen Russell (NE Alt), Margaret Wong (Q.), Roberta Albano (ST), John Cipora (DCE/part-time), John Farrenkopf (DCE/part-time), Communications Coordinator Don Williams; NEA Director Bob Gillies; MTA Consultant Miles Stern

Not Present: Treasurer Philip Mahler, Thomas Kearns (Ma), Clark Grain (R), MTA Consultant Katie D'Urso,

Guests: DCE Grievance Coordinator Joseph Rizzo, MCCC Lobbyist Charles Flaherty, DCE Bargaining Team Chair Diana Yohe, Pat Schmohl (QCC Alt)

President LeBlanc called the meeting to order at 10:45 a.m.

The Order of Business was adopted by consensus.

The minutes of the April 17, 2009, were accepted.

REPORT OF THE PRESIDENT

President LeBlanc welcomed new Directors and reviewed their responsibilities. State House news on the budget was shared with the Directors. The Directors had a discussion about the impact of the modification to the Quinn Bill on Criminal Justice programs.

President LeBlanc reported that the Day Bargaining Team reached a tentative agreement with management after one-and-a-half hours of bargaining. The cost of the new contract still needs to be determined and ratification materials must be prepared. Members can expect to receive ratification materials, including an explanation of how pay increases will be determined, in August. After a year of negotiation, the DCE Bargaining Team has not reached a tentative agreement. Management is offering a 7 percent increase over four years, and the team is not willing to settle for less than the 8.5 percent increase offered to other higher education bargaining units. The 1.5 percent difference would cost the 15 community colleges \$772,268 over four years.

President LeBlanc thanked everyone who contacted legislators about the percentage increase for health insurance premiums. The House/Senate Conference Committee is recommending that state employees who currently pay 15 percent of the premium, pay 20 percent; members who currently pay 20 percent, pay 25 percent.

REPORT OF THE VICE PRESIDENT and STRATEGIC ACTION COMMITTEE CHAIR

Vice President McGee gave a state and federal budget update. She thanked Representative Marty Walsh, Senators Michael Morrissey and Lida Harkins, the MCCC SAC Steering Committee, and President LeBlanc for all their help in keeping the increase in employee contributions to health insurance to five percent. Senators Berry, Chang-Diaz, Donnelly, Eldridge, Fargo, Jehlen, McGee, Menard, Pacheco, Rosenberg and Tolman voted to restore the income tax to 5.95 percent. Several Senators voted for a two year freeze on state employee wages and hiring. The Joint Budget Conference Committee Report is due the week of June 22, 2009. Governor Patrick has applied for a waiver to use American Recovery and Reinvestment Act (ARRA) funds this year, which could mean

the funds will be depleted by fiscal year 2011. Some Directors expressed concern that the funds are not preventing layoffs but are being used for maintenance. Vice President McGee stressed that the MCCC's voice needs to be heard to protect the integrity of the community college system. The MCCC should gather data to ascertain how the ARRA money is being spent at the community colleges and take appropriate action.

Vice President McGee's Legislative update included the following items.

- A hearing was held on June 1, 2009, on the Act Extending Creditable Service for Peace Corps Service (SB 1172). Joseph Boyd and Vice President McGee testified and visited the offices of the legislative co-sponsors.
- There will be a hearing on State Group Health Insurance for Adjunct Faculty (SB 1143) on June 22, 2009. President LeBlanc, member Betsy Smith and Director John Cipora will testify.
- The bill amending Chapter 150's Contract Funding Process (HB 2570) will have a hearing on September 28, 2009. The Higher Education Leadership Council (HELIC) has established a committee to review the bill and develop an approach for improving the process. Vice President McGee is a member of the new committee.
- Pension reform legislation was supported by both chambers of the legislature and signed by the Governor. The reforms involved fixing the pension laws that allowed egregious abuse of the system.

The MCCC is sponsoring two summer interns in the State House. Matiely Lugo, a North Shore CC graduate sponsored by Associate Professor Paul Gormley, is interning with Jessica Leitz, Director of the Caucus of Women Legislators. Teresa Michael, a Bristol CC student sponsored by Diana Yohe, is interning in Representative Stephen Canessa's office.

REPORT OF THE TREASURER

The May, 20, 2009, minutes of the Finance Committee, the May 31, 2009, Balance Sheet, the May 20, 2009, Cash Flow Report, and the May 31, 2009, Profit and Loss Statement were distributed.

REPORT OF THE SECRETARY

The *April 2009 Leadership Directory* was distributed by email last week. Changes in chapter leadership should be reported to Secretary Guarino as soon as possible.

REPORT ON DAY BARGAINING

Rick Doud, Chair of the Day Bargaining Team explained that the Team is attempting to keep the classification system intact as it decides how the 0, 1.5, 3.5 and 3.5 percent increases will be distributed over the next four years. The draft proposal includes the following elements:

- July 1, 2009 – The President's budgets will pay the remaining 1/3 of the points for licensures and certifications.
- July 10, 2010 – Part-time members will receive a 1.5 percent across the board increase. Full-time faculty and professional staff points will be increased to \$54.46 and 8 points for seniority and 8 points for experience will be awarded to all full-time faculty and professional staff. This is an \$876.16 increase for all full-time members.
- July 1, 2011 - Part-time members will receive a 3.5 percent across the board increase. Full-time faculty and professional staff points will be increased by 1.035 to \$56.67 and 16 points will be awarded for a salary increase of \$906.72. Any remaining money will be used for classification maintenance.
- July 1, 2012 - Part-time members will receive a 3.5 percent across the board increase. The remainder of the money will be used for classification maintenance.

The Directors discussed the differential in the point rates for faculty and professional staff during classification maintenance, the timing of the ratification vote, and the need to fully inform members about the new contract.

REPORT ON DCE BARGAINING

Diana Yohe, Chair of the DCE Bargaining Team, reported that the DCE Bargaining Team has reached a point where it is seeing little movement at the table. The teams have come to a tentative agreement on language including adding a preamble, forming two committees to create system-wide electronic communication processes and forms, allowing the automatic right to members to mediate a grievance, reducing class size to the equivalent of the day contract, revising the Student Evaluation form, and clarifying the language for step

increases. The teams were not able to come to agreement on the right to a second course, an economic package that is at least the equivalent of what has been offered to other bargaining units, and a revision in the pay for lab sections. The Team's bottom line is an 8.5 percent pay increase over four years and some movement to improve the pay for lab sections. If management does not agree to the bottom line by June 19, 2009, the Team is requesting mediation and fact finding.

Consultant Stern explained mediation without impasse, mediation, and fact finding. If the employer refuses to mediate, the Union can ask the Division of Labor Relations (DLR) for a hearing; the DLR will appoint a mediator at no cost. If there is no progress to resolution, the mediator can recommend fact finding. Fact finding, usually a long process, ends with the fact finder issuing a report. After a period, the report can be released, and further mediation can occur. If all of these efforts fail to resolve the issues, the DLR can declare impasse and order mediation. If impasse is declared, the employer can implement their last best offer. Unless both parties agree to arbitrate, there is no binding arbitration, only mediation. The DCE Team realizes it has not reached impasse.

Chair Yohe asked for the support of the full-time members and the formation of a Crisis Committee to help get a fair contract for DCE members. She also shared her recommendations for future bargaining teams.

COMMUNICATIONS REPORT

Communications Coordinator Williams reported that the May issue of the *MCCC News* is late. He has sent out postcards for the DCE Cluster meetings and will be working on ratification materials.

MTA CONSULTANTS

Consultant D'Urso submitted a written report. Putting all employees on the Human Resources Compensation Management System (HRCMS) payroll system does not prevent any MCCC member from working additional hours in another job function. MassBay CC received an arbitration settlement on hiring above the salary grid. The College must provide a rationale in writing for hiring off the grid at the time of the hiring. This rationale will be placed in the new employee's personnel file and will be made available to the MCCC upon request. The MCCC is seeking a system-wide agreement on hiring off the grid with the additional stipulation that the rationale will automatically be forwarded to the Union. Consultant D'Urso is working with the Department of Higher Education to cost out the new contract. When the work is complete, unit members will be provided with a template so that they can determine exactly what their raises will be under the new agreement.

Consultant Stern distributed an overview of the Clarification and Amendment (CAS) petition process created by the MCCC and the Employer as a speedier alternative to the traditional process at the DLR. The CAS agreement should be signed during the week of June 22, 2009, and 79 new members should join the Union in July 2009. All positions on List A will come into the Union, positions on List B will not come into the Union, and positions on List C will be resolved within 60 days of signing the agreement or through the joint management/labor CAS Committee. Unresolved positions are then subject to binding mediation. Lists A, B, and C will be sent to chapter presidents. If a position is missing, please contact Coordinator Fitzgerald or Consultant Stern. Newly created or challenged positions are to be presented to the employer at MACER and discussed for 30 days before being forwarded to the Joint CAS Committee. Chapter leaders should pay attention to new and old positions and contact Consultants Stern and Fitzgerald with questions about positions or the process. The MCCC office staff will handle communication with new members.

NEA REPORT

NEA Director Bob Gillies reported on the NEA's legislative agenda on health care. The NEA supports a national health care policy that mandates a single-payer system with universal coverage and the highest quality health care at the lowest possible cost. While working toward a single-payer system, the NEA supports the continued right to maintain employer-sponsored health care benefits, including the ability to bargain benefits above any established floor and the exclusion from taxes of the cost/value of health care benefits.

HEALTH and WELFARE REPORT

Director Ponticelli reported that the Health and Welfare Committee dealt with billing irregularities at its meeting in early June.

REPORT OF MCCC DCE GRIEVANCE COORDINATOR

Coordinator Rizzo reported that the DCE grievance caseload has been stable over the past several years. The grievance issues that are most common involve problems with assignment, cancellation, non-reappointment, evaluation, discipline, and filling of full-time positions. Recent discipline cases have included accusations of assault, threats, and using inside information to personal advantage. Unemployment appeal cases have moderated, but the number of DCE faculty applying for unemployment benefits has not decreased. Members routinely seek advice from the MCCC about unemployment eligibility and processes. These unemployment inquiries require a considerable amount of time and expertise. Of the 181 cases filed under the current DCE contract (2005 to the present), 29 percent were unemployment cases. All of the unemployment cases were won or are still pending. There are two unfair labor practice cases pending at MassBay CC involving retaliation and failure to provide seniority lists. Of the 181 cases, 75 were resolved at the college level, 54 were won, 26 were withdrawn, 25 are pending, and one was lost. Some of the withdrawn cases involved non-reappointment issues that were not resolved at mediation. These cases cannot be arbitrated. DCE members cannot arbitrate grievances that challenge the professional judgment of the President in filling full-time positions, but they can arbitrate procedural violations in the hiring process. A recent Day grievance arbitration decision acknowledged the priority of consideration for DCE unit members in the filling of vacancies.

The DCE Grievance Committee meets twice a year to consider cases for certification for mediation and arbitration. The committee is considering scheduling additional meetings due to an increased and more complicated caseload. The committee has contributed to a greater number of cases being resolved at the chapter level as the expertise of chapter DCE grievance officers increases.

When the state unilaterally decided to place all state employees on the HRCMS payroll system effective January 1, 2009, the MCCC filed a demand to bargain. Issues were resolved with the Department of Higher Education. Starting in the fall 2009 semester, all community colleges will pay DCE faculty every two weeks during the semester, except that the first check will be issued after four weeks to allow for payroll processing. Full-time employees will be receiving one W-4 form for all state employment. DCE earnings cannot be deposited to a different bank account, but multiple bank direct deposits may be made based on a percentage of income. All retirees from the state and the Massachusetts Teachers' Retirement System should be aware of the cap on post retirement income earned in service to the Commonwealth and its municipalities.

Coordinator Rizzo reported that the DCE contract expired on May 31, 2008. All terms and conditions of the contract stay in force until a new agreement is negotiated. DCE salaries as of the fall 2008 semester are as follows:

- Step 1 - \$845 per credit
- Step 2 - \$906 per credit
- Step 3 - \$975 per credit
- Step 4 - \$1,023 per credit.

REPORT OF MCCC LOBBYIST

MCCC Lobbyist Flaherty stated that most state unions are unhappy with the Democratic government on Beacon Hill. The police do not like the modifications to the Quinn Bill, the firefighters have issues with workmen's compensation, transportation workers are being reorganized, and higher education employees are taking a zero year. With state tax revenue dropping precipitously, the budget gap is at \$4.2 billion. What the Governor will veto or amend in the legislative budget remains to be seen. If revenues do not improve by August, 9C cuts are possible in the fall. Because some of the ARRA stimulus money has been used this year, the money will be gone by the end of fiscal year 2011. If state revenues do not improve, fiscal year 2012 could see large cuts in state spending,

The Governor and the Accounting and Finance Committee may delay filing with the legislature for the funding for the higher education collective bargaining agreements until all contracts are ratified.

In response to questions by various Directors, Lobbyist Flaherty made these points.

- The vote for the increase in the percentage that state employees pay for health care benefits was overwhelming.

- The pension reform bill targeted abuses only; the Pension Reform Commission will publish a report this fall.
- The legislature is considering additional sources of revenue including an expansion of gaming.
- The increase in the sales tax did not solve the budget deficit problem.
- The legislature should consider increasing the income tax. Implementing a graduated income tax would require a constitutional amendment.
- Two-year legislative terms means that legislators spend one year working and one year campaigning.
- Turnover in the House has been high in the last six elections. Younger legislators need to be educated about the labor movement and collective bargaining.
- State Senator Galluccio sees value in supporting the community colleges and is developing a working group with community college presidents and local businesses.

NEW BUSINESS

Motion: To contribute \$300 to Williamstown Higher Education Reception (Doud/Albano) **Passed**

Motion: To accept the Fiscal Year 2008 audit. (Albano/Recko-Morrison) **Passed**

Motion: To accept the MCCC 2009-2010 Calendar as amended. The date of the Fall Conference is to be changed to Tuesday, September 29, 2009 so that it does not conflict with Yom Kippur. **Passed**

Note: The MCCC 2009-2010 Calendar is attached.

EXECUTIVE COMMITTEE AT-LARGE ELECTIONS (3 SEATS)

The nominees for the MCCC Executive Committee were Rosemarie Freeland (G), Margaret Wong (Q) and Claudine Barnes (CC). The three nominees were declared elected by acclamation.

DISCUSSION/ANNOUNCEMENTS

Campus Round-up

Berkshire CC

Everything at Berkshire is calm, cool, and collected.

Bristol CC

The Administration is moving faculty mailboxes to inconvenient spots; the Dean refused to accept faculty input on the issue.

Bunker Hill CC

One supervisor is using the “any other duties as assigned” part of the E7 job description to force unit members to do clerical work.

Cape Cod CC

The administration and Board of Trustees dismissed a petition signed by more than 50 unit members that asked for the administration to use ARRA money to prevent layoffs.

Greenfield CC

Director Freeland thanked Day Grievance Coordinator Dennis Fitzgerald for help with transfer of work and job posting issues. Greenfield CC’s softball team beat Holyoke CC’s team.

Holyoke CC

The chapter’s half of MACER is insisting that the administration treat all unit members fairly and not strike private deals with some professional staff members that allows them to teach.

MassBay CC

Health Services has been closed and nurses have been retrenched. The employer is transferring duties outside the unit or to other unit members. An Unfair Labor Practice charge will be filed.

North Shore CC

The Danvers campus parking problem has been solved because the construction started early and will be completed by September.

Northern Essex CC

There are morale problems in the enrollment management office where some positions have been cut from 12 to 10 months.

Quinsigamond CC

Quinsigamond CC's growth is ranked 12th in the nation. Full-time faculty and professional staff are being hired but the physical facilities are being taxed.

Springfield Technical CC

The chapter Executive Committee is planning to meet to discuss the day ratification package.

DCE

Director Cipora reported that DCE faculty have been actively communicating by email since the DCE cluster meetings.

Mold at MCCC Worcester Office

The mold in the basement of the MCCC Worcester office continues to be problematic. Some members of the condominium association do not want to spend the money to correct the problem. More estimates are being sought. The MCCC will insist that the problem be corrected.

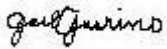
Press Round-up

President LeBlanc distributed several articles.

The meeting adjourned at 3:50 p.m.

The next Board meeting is scheduled for August 21, 2009, at 10:30 a.m.

Respectfully submitted,



Gail Guarino, Secretary

MCCC 2009-2010 Calendar

July 2009

August 2 to 6, 2009e

August 13 and 14, 2009

August 21, 2009

September 7, 2009

September 11, 2009

September 25, 2009

September 29, 2009

October 2, 2009

October 12, 2009

October 16, 2009

November 6, 2009

November 11, 2009

November 20, 2009

November 20 (evening) and 21,
2009

November 26, 2009

December 4, 2009

January 8, 2010

January 18, 2010

January 22, 2010

February 5, 2010

February 15, 2010

February 19, 2010

March 5, 2010

March 12, 2010

March 26 to 28, 2010

April 2, 2010

April 9, 2010

April 16, 2010

April 24, 2010

May 7 and 8, 2010

May 14, 2010

June 4, 2010

June 18, 2010

No Meetings

MTA Williamstown

Executive Committee Retreat - tentative

BOARD OF DIRECTORS' MEETING

Labor Day

Executive Committee Meeting

BOARD OF DIRECTORS' MEETING

**Fall Conference (evening) Crowne Plaza, Worcester,
MA**

Executive Committee Meeting

Columbus Day

BOARD OF DIRECTORS' MEETING

Executive Committee Meeting

Veteran's Day

BOARD OF DIRECTORS' MEETING

Massachusetts Higher Education Conference

Thanksgiving

Executive Committee Meeting

Executive Committee Meeting

Martin Luther King Day

BOARD OF DIRECTORS' MEETING

Executive Committee Meeting

Presidents Day

BOARD OF DIRECTORS' MEETING

Executive Committee Meeting

BOARD OF DIRECTORS' MEETING

NEA Higher Ed. Conference – San Francisco, CA

Executive Committee Meeting

Teaching & Learning Conference (BHCC)

BOARD OF DIRECTORS' MEETING

**MCCC Delegate Assembly, Crowne Plaza, Worcester,
MA**

MTA Annual Meeting

Executive Committee Meeting

Executive Committee Meeting

BOARD OF DIRECTORS' MEETING