

The key figure in securing compliance with the terms and conditions of the negotiated agreement is the association's grievance coordinator who observes, reports, investigates, and processes grievances. The coordinator is attuned to the individual and collective intents and desires of the members of the association. All of the coordinator's activities are carried out in anticipation of protecting the rights afforded by the agreement individually to each member and collectively to the association. The grievance coordinator will advise and assist you before the grievance is filed and at each step of the formal grievance procedure. If you have a problem that might possibly necessitate use of the grievance procedure, contact the MCCC/MTA Grievance Coordinator.

What is the Chapter Grievance Committee?

The Chapter Grievance Committee is responsible for advising grievants, representing the grievant at a formal hearing, and assisting grievants in the writing of formal grievance. Some chapters use the Chapter Executive Committee as the Grievance Committee.

What is the MCCC Grievance Committee?

The MCCC Grievance Committee has the responsibility of determining whether or not a grievance will be certified for arbitration. The MCCC Grievance Committee is made up of one grievance officer from each chapter.

What is Mediation?

Mediation is Step II of the grievance process. The parties have a list of professional neutrals who will assist the parties and the grievant in resolving the grievance. Mediation is an informal and off-the-record process in which the parties are free to disclose to the mediator the essence of the dispute without injuring their case if mediation is unsuccessful and the case goes to arbitration.

What Is Grievance Arbitration?

Binding arbitration is an important step of an effective grievance process. It affords the possibility of the adjudication of persisting grievance disputes by an impartial third party. As a result, arbitrators are selected by both parties and expenses are shared equally. The Association and the employer authorize the arbitrator to render a binding decision.

What Is the Arbitrator's Authority?

The arbitrator shall have the authority to make a final and binding award on any dispute concerning the interpretation of application of the MCCC contract. The arbitrator's authority in matters, which are arbitrable, is limited to a determination as to whether the provisions set forth in the contract were violated. In matters of professional judgment, the arbitrator shall determine whether the application of such to the grievant has been arbitrary, capricious or unreasonable. The arbitrator shall have no authority to arbitrate an incident that occurred prior to the execution of the contract, non-reappointment in years 1-4, affirmative action/discrimination and/or the basis for retrenchment.

What is an Unfair Labor Practice?

The Massachusetts Collective Bargaining Law is one of a handful which identifies unfair labor practices by employers or employee groups. Those identified closely resemble the National Labor Relations Act and are called prohibited practices rather than unfair labor charges. These regulations exist for the general purposes of protecting those rights guaranteed under the law from the occasional devious employer, to ensure that bargaining is conducted in good faith and hopefully to promote some harmony and sophistication in collective bargaining in the Community College System. The employer is prohibited from interfering, restraining, coercing, or discriminating against any employee in the exercise of any right guaranteed under Chapter M.G.L.150E.



**Massachusetts Community
College Council**

**A GRIEVANCE
GUIDE**

**ANSWERS TO
YOUR
QUESTIONS**

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Training Material for MCCC/MTA Members

Dear Colleague:

Contract negotiation is only half of the responsibility of securing unit members' rights. The other half involves the rigorous policing and enforcement by the MCCC local and its chapters on a day-to-day system-wide and college-level basis. The terms and conditions of our contract are not self-enforcing.

The agreement between the parties means little unless administrative compliance can be secured through effective grievance administration. Because of this, a working knowledge of the grievance procedure is vital to all unit members. If you feel your contractual rights have been violated, I strongly urge you to make full use of the grievance procedure. Contact your chapter grievance officer or me, and you will receive immediate assistance.

It's your contract - enforce it!

Sincerely,
Dennis Fitzgerald
MCCC Grievance Coordinator

Grievance Timelines

Step 1 - 30 Calendar Days to File

Step 1 Decision - 30 Calendar Days

Appeal to Mediation-10 Calendar Days

What Is a Grievance?

In the simplest terms, a grievance is a claim that the employment contract has been violated. A grievance can be any problem that arises relating to your employment in the college.

The MCCC contract defines a grievance as:

"An allegation by a unit member(s) or by the Association that a specific provision of the agreement has been breached in its application to the unit member(s) or the Association."

The association has a fiduciary responsibility to members of the negotiating unit to assure that the group agreement is adhered to. The end of negotiation does not signal a rest period of one or more years until a new contract is to be negotiated. A grievance raises the question: Are we following our rules? The only parties that can ultimately settle this kind of question are the parties that formulated these rules.

What are Grievance Procedures?

A grievance procedure is a system of appealing administrative actions affecting a unit member or a group of unit members to a higher authority. The appeal system provides the unit member with an objective and contractually agreed on procedure for resolving job related disputes and/or problems that arise in the event of misunderstandings, misinterpretations or down right animus.

Who are the Parties to a Grievance?

The direct parties to the negotiated agreement are the Department of Higher Education and the MCCC. The employer executes the terms of the contract; the association polices these actions. When necessary, the grievance procedure is used to ensure compliance.

How Do I Pursue a Grievance?

You should first discuss the matter with your Grievance Chairperson and/or a member of the Chapter Grievance Committee so that the representative can advise you on the best course of action. If you decide to file a grievance, you should start by arranging a meeting with your immediate supervisor or within the college administration structure up to the level of the

president of the college. The purpose of this meeting is to informally discuss the problem and to attempt to resolve it. This is required and the most important step in the grievance process.

What Happens If the Matter is Not Resolved Informally?

If you do not get the problem resolved to your satisfaction, then you have the option of processing your grievance through the first two steps of the grievance procedure (See Article X of the Contract).

Are There Time Limits on Filing a Grievance?

Timeliness is of the essence in grievance processing. A grievance must be filed within thirty (30) calendar days after the grievant knows or should have known of the act or conditions on which the grievance is based. To meet this deadline, it is imperative that all grievances be investigated expeditiously. Failure to comply with the specified time limits can result in a waiver of the right to file a grievance. If additional time is required, make a written request for an extension of time limits.

How Can the MCCC Assist Me if I have a Grievance?

The association's position in processing grievances is one of advocacy, speaking in behalf of the member's cause, and utilizing association resources to secure a remedy for the employment concern. However, in its advocacy, the association must keep in mind the diversity of interests potentially affected by a grievance such as:

1. The interest of the association as an organization;
2. The future interest affected by the rule-making aspects of grievance adjustment;
3. The present interests of unit members who may gain or lose from the adjustment of the grievance;
4. The interests of the aggrieved individual who claims to be harmed by the employer's failure to perform its contractual obligation.