

MCCC News



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Union Negotiates New Domestic Violence Laws

Recent state legislation [Mass General Laws Chapter 149 Section 52E] requires that employers with 50 or more employees provide up to 15 days of leave for an employee if they, or a family member, is a victim of abusive behavior. The Act makes no distinction between full- and part-time employees; however, it leaves it up to the employer as to whether or not that leave is paid.

The MCCC has negotiated the impact of the Act on unit members under the Day Contract where members receive benefits, or at least some all purpose leave benefit.

“If a unit member has any accrued leave available at the time he or she takes leave from work under Chapter 149 Section 52E (b), the unit member will be permitted to utilize fifteen (15) days paid leave and not be required to take unpaid leave for such qualifying absences. MCCC Day faculty may use accrued personal leave or sick leave available. MCCC Unit Professionals may use accrued personal, vacation, compensatory, or sick leave. MCCC part-time day unit members may use accrued all purpose leave. In addition, applicable provisions of a sick leave bank would apply for requests applicable to those full-time unit members who have access to the sick leave bank.”

The situation is different for adjunct faculty. The DCE collective bargaining agreement does not provide for paid sick, vacation, or personal days. However, DCE faculty may make-up any missed classes covered by this law without loss of salary by the means provided in the contract. The law protects the DCE instructor from the College taking any negative action in the event that an unscheduled absence occurs in a manner that is consistent with the Act. Documentation for the unauthorized leave can be requested by the College as provided in the law. Please feel free to contact Joseph Rizzo, MCCC DCE Grievance Coordinator, if you have any questions. Grievance-DCE@MCCC-union.org

Definitions

“**Domestic violence**” is defined as abuse against an employee or the employee’s family member by a current or former spouse of the employee or the employee’s family member, a person with whom the employee or the employee’s family member shares a child in common, a person who is cohabiting with or has cohabited with the employee or the employee’s family member, a person who is related by blood or marriage to the employee, or a person with whom the employee or the employee’s family member has or had a dating or engagement relationship.

“**Family member**” is defined as persons who are married to one another, persons in a substantive dating or engagement relationship and who reside together,

MCCC Elections

Nominations closed Thursday, February 5, but members may still write in their names when the balloting begins.

Election will be conducted online. Materials will be mailed out the first week of March with unique member IDs and PINs.

Voting will close Friday, March 27 at 4:00 P. M.

persons having a child in common regardless whether they have ever married or resided together, a parent, step-parent, child, step-child, sibling, grandparent or grandchild, or persons in a guardianship relationship.

Domestic Violence leave may be used for any of the following reasons:

- to seek or obtain medical attention, counseling;
- victim legal services or legal assistance;
- secure housing;
- obtain a protective order from a court;
- appear in court or before a grand jury;

- meet with a district attorney or other law enforcement official;
- attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

There are a number of criteria for substantiating eligibility and notice for this leave such as court orders, police reports, etc. For more information go to the attorney general’s web site: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/domestic-violence-and-abusive-situation-leave.html> ■

The new MTA Field Representative for the MCCC Day contract, Courtney Derwinski made her first appearance at the MCCC Board of Directors on Jan. 23. A native of Wisconsin, she had worked there as a union field service representative until Gov. Scott Walker eliminated teachers’ unions. Derwinski moved to Minnesota to continue her labor work as a negotiations specialist. She began working for MTA last year serving K-12 locals out of the Raynham office. She holds a graduate degree in Labor and Employment Relations from Rutgers University where she also taught as an adjunct and worked representing faculty.

Derwinski is excited about the new assignment saying, “I have a real passion for higher education.”

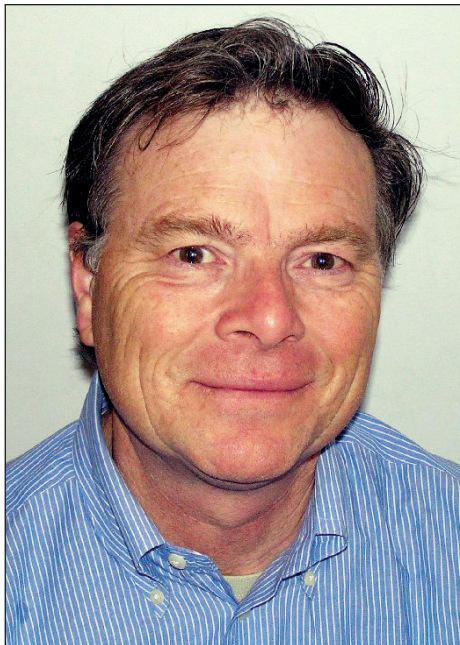
(Photo by Don Williams)



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Five Questions to Answer in 2015



Don Williams,
MCCC Communications Coordinator

As we enter 2015, there are a lot of issues up in the air that will affect faculty and staff in Massachusetts community colleges.

1 What will Gov. Charlie Baker's policies be regarding public higher education in general and community colleges in particular? He didn't say much about the subject during the campaign--about the only thing I heard him say is that we need more online courses. With a \$764 million budget shortfall predicted for this year, and with his pledges for no new taxes and to preserve local aid, will higher ed. face severe cuts? It's hard to see budgets increase under these circumstances, and after years of thin budgets the colleges already operate on shoestring budgets. Will he preserve the funding formula?

Will he push for more workforce development?

2 Will the MCCC be able to settle the Day contract favorably this year? During the Deval Patrick years with a terrible economy, the union wasn't able to preserve the pay system that came about in 2000 with the Classification Study (an idea initially put forward by then A&F Secretary Charlie Baker). We were able to secure raises, but many pieces of contract language were left alone for expediency. The MCCC negotiating team is assessing what the union's priorities are and working on an asking package. But given Gov. Baker's predicament (see #1 above) and his less than favorable attitude towards unions, members should be preparing for tough negotiations.

3 Will MTA's Higher Ed division be fully staffed this year? For over a year the MCCC has been essentially providing its own MTA consultants in the persons of Dennis Fitzgerald and Joe Rizzo who have been serving double duty as both MCCC grievance coordinators and as MTA consultants. Higher Ed. director Joey Hansen recently resigned and returned to his native Canada. While MTA is searching for a new director, Tim Fitzgerald has agreed to step in as acting director. (Tim is Dennis Fitzgerald's brother and was the first president of the MCCC. He

has been working for many years in various NEA positions.) One new consultant has been hired (see related story pg. 1), but MTA is still searching for another consultant and has just begun to look for a new permanent director.

4 How will adjunct faculty fare with the declining enrollments and programmatic changes that are coming? Will the MCCC be able to improve conditions for this undervalued group, not only in job protection but also in basic benefits like health insurance and a real pension? The effects of the ACA (Obamacare) are yet to be determined. And despite a lot of rhetoric from President Obama about sick time, living wages, and other basic worker rights, given Gov. Baker's predicament (see #1 above), we can expect the state to be miserly about new expenses.

5 Finally, will a new generation of MCCC leaders step forward? With the daunting set of issues listed above, the Union will need to press for its issues in a wide range of avenues. There are a lot of long-standing activists who are approaching retirement, and it is vital that they be replaced. There are needs at the chapter level, the MCCC and MTA state wide level and in political action. If the Union is going to improve the pay and working conditions for its members, it is vital that every member do their part to advance the cause.

Guest Column A Winning Strategy at RCC

By Ruth Kiefson, Roxbury Community College

Until this past year, RCC adjuncts teaching low-enrolled courses got paid per-student (most often significantly less than their contractual salary). As a manifestation of extreme exploitation and oppression, this "piece-work" for adjuncts was decidedly a hated policy. In 2006, our chapter waged a struggle to eliminate it, campaigning for a new policy where all courses, regardless of enrollment, would be taught at the contractual salary, and nothing less. Without going into the details, we were unable to win this reform despite a vigorous effort.

This past year, with the stroke of a pen, RCC's new administration eliminated the policy. The announcement at an all-college meeting drew a big applause, and many people felt hopeful that we were on a better path. Then, predictably, the other shoe fell. When it came time for Fall course assignments, it became clear that the administration was going to eliminate many low-enrolled courses, even if it harmed enrollment. President Roberson claimed it was fiscally necessary "if we want to have a college."

How do we evaluate this development in terms of union organizing? One argument made by some adjuncts as well as full-timers is that our union should keep quiet about oppressive policies like "piece work" for adjuncts because at least *they are given a choice* as to whether or not to accept a course assignment for reduced pay? This is a shortsighted and defensive argument that throws in the towel before the fight has even begun. Our union, as a social justice organization, must advocate for our members, knowing full well that we'll have to keep fighting whether or not we win or lose a particular battle. Should

we cave in to management's bottom line argument? No.

This is the non-struggle, defeatist approach of *narrow trade unionism*. It assumes that workers can only be motivated by what is in our immediate narrow self-interest. It assumes that we should only take on battles we can win, with winning defined as *winning the reform*. Narrow trade unionism, the general approach of organized labor since the 1950's is a losing strategy.

Although winning demands around wages and working conditions is important, it is not the primary way our struggle should be defined. Social justice unionism has broader social goals. It aims to strengthen our hand in the class struggle, not by relying on "friends in high places", but by building principled alliances with students, other unions, and workers. For example, one union at a time cannot effectively address the problem of declining resources for the public sector. Even though, in 2006, the RCC chapter lost the struggle to end the hated "piece work" policy, we came out winning by building unity between students, FT faculty, adjuncts, and staff, unity that would strengthen our position for the next battle. ■



MCCC President Joe LeBlanc attended a recent meeting of the Mass Bay chapter. He drew the number for a raffle from acting chapter president Bob Tarutis. Faculty member Annette McCarty won a gift certificate to a local restaurant.

(Photo by Joe Rizzo)



MOVING?

Please make sure the MCCC has your correct mailing address. This affects receiving the newsletter, elections, important mailings and notices.

Call the office at **1-877-442-MCCC** toll free or go online at <http://mccc-union.org/ChangeMyAddress/>

Free Community College Bill Arrives a Generation Too Late

Community college should be free. Excellent public education from pre-K through a bachelor's degree should be a universal right. Everyone, everywhere should have access to free healthcare. Affordable housing should be a universal human right. The rich should be taxed much more. War and poverty should end, but none of these ideas will be blossoming in America anytime soon.

The President's America's College Promise plan would make "two years of community college free for responsible students" (Source: White House Fact Sheet). Community colleges would be pushed to "strengthen their programs and increase the numbers of students who graduate." States would be pushed to invest more in higher education. Students would be pushed to "take responsibility for their education, earn good grades, and stay on track to graduate."

It's time for a reality check. The Commonwealth is already pushing us to increase course completion and graduation rates. Our programs are constantly reviewed. And then there's performance funding. Based on the Tennessee model, this boneheaded idea punishes colleges who don't measure up. Open access continues unabated. College ready students are never turned away. Students arriving at the last minute aren't a problem. Create another section. Hire another adjunct.

Note: Please commit this to memory until justice prevails and full-time/part-time ratios are reversed: adjuncts teach at least two-thirds of all Massachusetts' community college courses. New adjuncts earn \$2,856 for teaching a 3-credit course. Multiply by five for a full-time equivalent course load for this semester. Next,

multiply by two semesters for a full-time equivalent annual salary of \$28,560. Add to this non-existent health insurance and NO retirement benefits and no state/employer contribution to Social Security to arrive at this sorry result: 5,000+ higher education workers with graduate degrees working in a system that produces a life on the edge of poverty and a career that will never end because these faculty will never be able to retire.

America's College Promise supporters include Sara Goldrick-Rab, a professor at University of Wisconsin at Madison. This big thinker behind the President's plan, says, "My entire goal was to get the President of the United States to put the words 'free' and 'college' in the same sentence" (Chronicle of Higher Education, Jan. 11, 2015).

Well, that's grand, but the bill is being delivered to a mostly hostile U.S. Congress where it will be and should be ignored. Cost estimates are squishy. About 9 million students would benefit with the federal government paying about 75 percent of the cost and the states funding the balance. Students would be required to attend at least halftime and earn at least a 2.5 GPA. Funds could not be used to pay for developmental courses.

Programs would have to measure up and colleges would be expected to "adopt promising and evidence-based institutional reforms to improve student outcomes." CUNY's Accelerated Study in Associate Program is cited. This experiment shows that students are more likely to complete their courses and graduate when colleges waive tuition, pay for books and transit costs, strengthen advising and increase full-time faculty numbers. It is an excellent and expensive program.

Excellence isn't cheap, however. We need to fix the present mess before pushing for free anything. Our Commonwealth must fully fund our system. Our colleges must reverse course from a generation of neglect by hiring hundreds of full-time faculty and staff.

For now, our union opposes free community college. It would have been a grand idea in the 1980's when full-time faculty taught most of our courses. The President's plan doesn't address our present needs. It's 'dead on arrival' in the U.S. Congress and comes a generation too late. ■



Joe LeBlanc, MCCC President



Charles Webb from the accounting firm Alexander, Anderson and Finning, reported the results of the annual audit of the MCCC financial policies as Massasoit director and Finance Committee member Tom Kearns (center) and Treasurer Phil Mahler look on. Webb gave a "clean, unqualified" audit report to the MCCC Board of Directors.



Tim Fitzgerald (left), the first president of the MCCC and brother of Dennis Fitzgerald (right), has been appointed as the interim director of MTA's Division of Higher Education. The position to replace the departed Joey Hansen has been posted and is slated to be filled by the end of June. (Photo by Don Williams)

Know Your Day Contract

February 2015

- Feb. 10 Summary evaluation rebuttals due (p. 51)
- Feb. 15 First year professional staff evaluation conference (p.52)
- Feb. 20 Course materials returned (p.51)
- Feb. 28 New full and part-time hire list due MCCC

March 2015

- March 1 Notice of non-reappointment (first through fourth year) (p. 37)
- March 15 Dean's recommendations for Title change due (p.59)
- March 15 Unit Personnel Practices recommendations for tenure due (p.38)
- March 30 Department Chair evaluations (p.68)
- March 30 Preferred schedules and course submitted (p.40)
- March 31 Department chair vacancies announced (p.67)
- March 31 Fall assignments to faculty, fulltime schedules to chapter (p.41)

NOTE: Dates may vary depending on the first day of classes. Most of these dates are "last date" standards. In many instances the action can be accomplished before the date indicated. Page numbers refer to the printed 2012-2015 contract. ■

— ADJUNCT CORNER —

The MCCC welcomes adjunct faculty to contribute their perspectives to regular guest columns in this space. Submissions should be no longer than 400 words and sent to MCCC Communications Coordinator Don Williams at Communications@mccc-union.org

Ad Hoc Group Achieves Some Success at MassBay

By Jeff Seideman

An ad hoc group of adjuncts at Mass-Bay Community College opened a new front in the struggle to win recognition, cooperation and support for our needs.

At a recent faculty meeting with our president about a departmental reorganization, I took the opportunity to raise a number of adjunct issues. In the past

such issues would go no higher than the provost at Macer meetings. On this occasion the president invited me to pull together an ad hoc group of adjuncts to discuss these issues with him.

We did just that. First, via email and then a conference call, a total of 20 adjuncts participated in drafting a list of 24 issues, organized into seven different categories, which we sent to the president in anticipation of our meeting. This was not a union action. Frankly, I don't know if all the adjuncts were union members, and we explicitly said in a cover letter that if any issue was a contract matter, it was included by error and would not be discussed.

The issues weren't new. Insufficient office space, administration emails that

assume we know staff by first name, adjuncts being excluded from the graduation booklet, partial pay for under enrolled classes, etc.

What was new was an hour and a half meeting between the president and head of human resources, and eight adjuncts. It was respectful, at times emotional and grounded in the belief that students would get a better education if we could have the support we need.

Since then the school has agreed to pay full salary for under enrolled classes and to consider the enrollment breakeven point to be seven students rather than 10, which had previously been the standard.

Follow up meetings with the president are planned. ■

Know Your DCE Contract

Course cancellation fee - Article 10.06:

In the event that a DCE course is canceled within seven (7) calendar days prior to the first scheduled class, the instructor shall receive two hundred and twenty-five dollars (\$225); provided however, there shall be only one cancellation fee paid for multiple sections of the same subject.

A 'calendar day' is defined in this context as the 24-hour period from midnight to midnight. For the purposes of calculating the 'seven (7) calendar days' cancellation period, day 1 shall be the day of the first scheduled class of the assigned course.

Example: If a class was scheduled to start on a Tuesday, the notice of cancellation of the course on the previous Wednesday or later would necessitate the payment of the cancellation fee.

Please feel free to contact Joseph Rizzo, MCCC DCE Grievance Coordinator, if you have any questions. Grievance-DCE@mccc-union.org



MCCC News

<http://mccc-union.org>

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The MCCC News is a publication of the Massachusetts Community College Council. The Newsletter is intended to be an information source for the members of the MCCC and for other interested parties. Members' letters up to 200 words and guest columns up to 400 words will be accepted and published on a space-available basis. The material in this publication may be reprinted with the acknowledgment of its source. For further information on issues discussed in this publication, contact Donald Williams, North Shore Community College, One Ferncroft Road, Danvers, MA 01923. email: Communications@mccc-union.org

The Cash Value of Union Membership



Here are examples of how much an MCCC/MTA member could save in one year by participating in MTA Benefits (MTAB) programs. They can document possible savings totaling over \$11,000, some examples of savings are listed below.

| | |
|--------------------------------------------------------------------------------------------------------------|---------|
| Long-Term Care Insurance | \$ 800 |
| Disability Insurance* | \$1,887 |
| Dental Insurance | \$ 152 |
| Free prescription drug card | \$ 361 |
| <i>(Savings on prescriptions not covered by insurance)</i> | |
| Home Heating Oil | \$ 300 |
| Propane Program | \$ 400 |
| Berkshire Bank Checking Account | \$ 640 |
| <i>(New bank customers who open an Elite Relationship Checking Account)</i> | |
| MTA Discount Directory program savings | \$ 900 |
| <i>(Reduced admission to 1,000 museums, theatres, concerts, retail stores, parking, ski areas and more.)</i> | |
| Discounts through Access | \$1,800 |
| <i>(Nationwide savings at more than 300,000 locations)</i> | |
| Auto Insurance | \$ 125 |
| Hotel Discounts | \$ 150 |
| MTA Travel Programs | \$ 400 |
| <i>(TNT Travel, Orlando Vacations and Cruises Only)</i> | |
| Home Mortgage Program | \$1,000 |
| <i>(2014 average savings on legal fees**)</i> | |
| Eyewear discounts*** | \$ 80 |
| Office supplies | \$ 120 |
| Prepaid legal plan**** | \$1,800 |
| <i>(Non-employment matters only)</i> | |

Union Members can access benefits through www.mtabenefits.com. Agency fee payers who wish to participate in these benefits first need to go on the MCCC website or contact the MCCC office to convert to full union membership.