

# MCCC News



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## Ongoing Day Contract Negotiations Heat Up

Negotiations for the Day contract are intensifying, and things are changing too rapidly for coverage in the monthly newsletter. Members should stay in contact with their chapters for the latest notices and actions from the Contract Action Team.

Meanwhile, wear your buttons to show solidarity with your fellow members. And be prepared to act when necessary.

Contract action activities are already showing some effect. See President LeBlanc's column on page 3 for more information. ■



## Attorneys Report on Adjunct Health Insurance

In cases involving the Affordable Care Act (ACA), MTA attorneys reported on two separate, but related, legal activities that the MCCC has undertaken on behalf of adjunct and part-time members.

The first report to the MCCC Board of Directors was by William Shaevel of the firm Shaevel and Kreams, LLP. Their firm specializes in labor law, and is frequently contracted by MTA. His report was about the public information request made by the MCCC earlier this year for internal

communications at all 15 community colleges related to the ACA and limits on the numbers of courses adjunct faculty are allowed to teach.

Atty. Shaevel recounted that earlier this year the MCCC filed information requests and received a reasonable cost estimate for providing the documents from Holyoke Community College. But the other 14 colleges came back with excessive and unreasonable cost estimates.

*Continued on page 2*



Berkshire Community College members Heidi Sammon and Joe Hennessey joined many fellow members with posters the chapter had made in a respectful demonstration when Commissioner of Higher Education Carlos Santiago made a visit to the campus. (Photo by Liz Puntin)

## MCCC Nominations Open Nov. 2

Nominations will be accepted for the following positions:

- All MCCC officers
- Adjunct/Part-time At-large MCCC Directors (2)
- MTA Annual Meeting Delegates  
Boston, May 13-14, 2016
- NEA Representative Assembly Delegates  
Washington D.C.,  
July 2-7, 2016

**Nominations Close  
Thurs., Feb. 4 at 4 P. M.**

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 25  
at 4:00 P. M.**

Forms will be available online at the MCCC website:  
[www.mccc-union.org](http://www.mccc-union.org).

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## Campus Equity Week Starts Oct. 26

The Week of Oct. 26-30 has been designated as Campus Equity Week, a week to call attention to the contributions that adjunct/contingent make to higher education and to the difficult conditions they work under.

First organized in 1999 by the Coalition for Contingent Academic Labor (COCAL), CEW is an annual event that has seen various levels of participation over the years. The sponsors have been increasing and this year they not only include COCAL and the New Faculty Majority (NFM) but have been joined by the Service Employees International Union (SEIU) that has been organizing adjunct faculty nationally and by the National Education Association (NEA), the MCCC's national affiliate.

CEW states that "A central principle of CEW is that quality education depends practically and ethically on professional and just working conditions for all faculty. The crisis of contingent faculty employment at colleges and universities is at the core of the inequities that pervade higher education."

COCAL counts as contingent faculty adjuncts, part-time, non-tenured, and graduate teaching assistants. With an average of 70 percent of college and university faculty being in this category, their contributions to higher education are significant. But the lack of respect and fair treatment of them does not reflect their importance.

Campus Equity Week's intent is to call attention to the contributions of adjunct

faculty and to organize faculty to raise awareness of their situations.

Although the MCCC is not engaging in statewide activities, some chapters are conducting local consciousness raising activities.

The Holyoke Community College chapter has been active in supporting the cause of adjunct faculty.

Last spring the HCC chapter prepared 3 by 5 cards to hand out to students and others titled "The ABC's of Higher

*Continued on page 2*



## Why Contract Action is Important

The MCCC is pushing hard to achieve a fair contract for day faculty and staff. The collective bargaining agreement (CBA) expired last June. And while the contract language will continue in force until a successor agreement is completed, there will be no salary increases until that time.

Many new members have come on board since the last time there was a difficult contract negotiation, and they may not be aware of how the process works. When negotiations reach the point where both teams agree that they have reached an agreement, then the contract has to be approved by both the union membership and the Board of Higher Ed.

There are rules about how a union ratification must be conducted, and that can take weeks. The BHE only meets monthly, and they may not act upon a

contract immediately. After all this, then the governor has to submit the contract to the legislature for funding.

In each year, the governor is required to propose a budget, called House 1, by the fourth Wednesday in January (except when a newly elected governor). So,

*Even under the best of circumstances, it would be difficult to have raises come into effect in June of 2016 . . .*

if a collective bargaining agreement is not ratified by the time of House 1, it is already out of the loop. But even if a CBA is approved in time, the House of Representatives still has to propose its own budget with its own priorities, and it's not guaranteed that the House will approve the contract funding.

The Senate also takes up the funding after the House. Normally that body is favorable to Union interests, but there are no guarantees.

Finally, the governor has to sign what ever the legislature passes as a joint budget that includes contract funding. And there

are no guarantees that the governor will do so. The MCCC has had experience this twice in the past with Gov. William Weld and with Gov. Mitt Romney.

This is what a former MCCC president called "three bites of the apple." First, the governor gets to appoint the members of the BHE and the Secretary of Administra-

tion and Finance (A and F), who determines the financial parameters. Then the governor has the responsibility to propose (or not) the funding of the contract to the legislature. Finally, the governor can veto the funding bill after it has run through the whole process that usually doesn't conclude until July.

Even under the best of circumstances, it would be difficult to have raises come into effect in June of 2016; 18 months since the last salary increase. Gov. Baker was a member of Gov. Weld's administration, which was the first to declare that they would not support retroactive payments of raises. Retroactivity may be possible with this administration, but the MCCC is working on the assumption that it won't be.

A further complication to the funding process is that 2016 is a legislative election year. In election years, the legislature wraps up its formal sessions in July. They pass the budget for the next year and finish some outstanding issues. After that, they only meet in informal sessions until the new legislature is sworn in January. Bills brought up in informal sessions do not get debated and can be stopped if any member objects to the bill.

A contract funding bill that does not make it into the general budget must be funded through a supplemental appropriation. Although this sounds like it might be simple, it almost never is. With 2016 being an election year, it is possible that a late submitted contract funding bill could languish a long time before being enacted. ■

## Report on Adjunct Health Insurance . . .

*Continued from front page*

He presented a chart of the costs that ranged from \$216 from Holyoke, which the MCCC did pay for and received, to \$18,648 from Roxbury. The initial total from all 15 colleges was \$131,929.97. On appeal to the Secretary of State, the col-

leges reduced the fees by \$34,205—still prohibitively expensive for the union.

Explaining that new public records disclosure rules have come into effect since the original requests were made, Shaevell suggested two approaches that might expedite the process of getting the desired information. The least expensive would be to re-file the request under the governor's new regulations.

His printed report also contained print-outs of emails from Holyoke that showed that there were caps being placed on DCE course assignments. Shaevell said that they will continue to pursue the information.

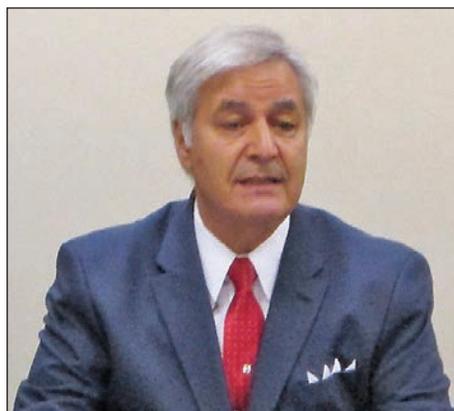
In a second report, MTA staff attorney Matt Jones explained the current status of adjunct faculty health insurance provided by the state under the ACA. Jones has been working on adjunct health insurance issues for several years, including the MCCC's unsuccessful lawsuit against the state under its own, earlier, health care law.

Jones explained that under the ACA, an employer has an obligation to provide a significant percentage of its full-time employees with health insurance or face

a penalty. An analysis has found that the state is providing over 95 percent of its full-time employees with insurance, which eliminates their obligation to provide insurance for more employees or pay the penalty.

Working for one employer for over 30 hours per week constitutes full-time employment under the ACA. The MCCC had negotiated an hourly equivalent for adjunct faculty work of 2.5 hours for each class contact hour. This exceeds the IRS suggested rate of 2.25 hours. Adjuncts teaching three 4-credit or four 3-credit courses could reach that 30 hour threshold. But the numbers of adjuncts who qualify are a small percentage of the full-time state employee total.

Jones went on to say that because the state is a very large employer with a history of primarily full-time jobs in its workforce, and because it has traditionally provided full-time employees with health insurance, it is unlikely that they will have to offer health insurance under the ACA to adjunct faculty at state universities and community colleges. ■



*Atty. William Shaevell, whose firm was hired by MTA to assist the MCCC's public records request for information about college policies capping course assignments for adjunct faculty, reported progress to the MCCC Board of Directors in September. (Photo by Don Williams)*

## Campus Equity Week, Oct. 26-30 . . .

*Continued from front page*

Education." Each card started with "A is for Adjunct: What you should know about your adjunct faculty." Then below that separate cards follow with individual letters of the alphabet and an explanation of the point made about conditions for adjuncts.

For example, the "B" card says, "B is for budgets" and then explains "Adjunct faculty are paid from a budget that does not depend on state appropriated funding. Therefore the colleges have more control over the uses of the profits from courses taught by adjuncts as a way to offset underfunding by the state." It then urges that people contact their state representatives to increase funding.

Aaron Levin, HCC chapter director presented these cards at a Board meeting and he can be contacted if any chapter wants more information. ■

### Visit The MCCC Online!

<http://mccc-union.org> / Toll Free Phone: 877-442-MCCC

The MCCC website is the best and most up-to-date source for late breaking developments. Additional documents of interest and import to Day and DCE unit members have been added.

The MCCC Webpage is a valuable resource for MCCC updates, job opportunities and linkage to the NEA and MTA resources available to MCCC unit members.

Calendars of MCCC meetings, and committee assignments may be found there.

Additionally, MCCC events and news are available, as well as "old news" in the form of archived newsletters. Bookmark the site for frequent referral.

### 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/Change-MyAddress/>

# Empowering Our Team to Bargain

It isn't going to be easy. Our tentative agreement won't be perfect. Both sides will initially feel they've given up too much and gained too little.

We may settle this week or next week or next month or next semester, but this process will eventually end. Whether it ends with more money (or less) depends in part on you. Whether we negotiate language gains depends in part on you. Whether we keep language losses to a minimum depends in part on you.

When members wear their buttons, hold signs in public demonstrations, picket their college trustees and move to adjourn college governance meetings and otherwise act up in a painful but effective process called Work to Rule, our team is empowered.

We haven't yet recommended that

chapters go on Work to Rule. This action is designed to increase labor unrest. Members will be asked to do their jobs, but nothing extra. Faculty members teach their courses, hold office hours and meet with their advisees. Professional staffers meet their job responsibilities negotiated in their E-7. Committee work begins with a call to order followed by a move to adjourn. The good work that we do in shared governance is put on hold. Work to Rule is painful but necessary medicine necessary to push management to negotiate a fair deal.

Your activism to date has been working. Our team's Oct. 1 update brings some good news. The state made its initial financial offer on Sept. 30, proposing 2, 2.5 and 2.5 percent increases on July 1, 2015, 2016 and 2017. The offer comes three months after our 2012-2015 Agreement

expired. It offers the most productive workers in public higher education less than the 3.5/3.5/3.5 percent approved by the Patrick administration for a previous generation of higher ed contracts. Still, the offer is a good start. We will push for more money and language gains, but our success depends on you.

Members wearing buttons show union solidarity to college presidents. Members who forget or refuse to wear buttons communicate to management that we are willing to take less money and that we may agree to management take backs contained in the most hostile state language package in more than a decade.

Big numbers of attendees at informational picketing show strength. Big numbers at trustees and other public meetings show that we are proud and principled



Joe LeBlanc, MCCC President

union members. Strong enforcement of Work to Rule, when and if it becomes necessary, will show management that we stand as one and that we will settle for nothing less than a fair deal. ■

### The ABCs of Higher Education

## A IS FOR ADJUNCT

What you should know about your adjunct faculty...

## Q IS FOR QUALITY EDUCATION

Adjunct faculty provide a quality education for our students. These faculty are highly qualified and bring in life experience to enhance student learning and job training.

### WHAT CAN YOU DO?

Find your state representative at [www.wheredoivotema.com](http://www.wheredoivotema.com) and let them know the importance of adequately funding community colleges.

The HCC chapter of the Massachusetts Community College Council recognizes and supports adjunct faculty for the role they play in educating students of the community.

## Write Us

**Letters to the Editor:** Only submissions by MCCC unit members will be accepted. Letters should be no more than 200 words in length. The author must include name and chapter affiliation, which will be published with the letter. Authors must provide the editor with contact information in the form of either email address, mailing address or telephone number. Letters will be published on a space available basis and may be edited for length and appropriateness. Not all submissions can be published.

**Guest Columns:** Guest Columns should be no more than 400 words in length. Columns by authors who are not MCCC members may be accepted. The author's name and affiliation will be published with the column.

**Mail to:** Donald Williams, North Shore Community College, 1 Ferncroft Road, Danvers, MA 01923

**Or email:** [Communications@mccc-union.org](mailto:Communications@mccc-union.org)

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## Correction

In the last issue the list of campuses in the trial MTA organizing campaign was incorrect. The campuses running the first test campaigns are: Quinsigamond, Cape Cod, Mt. Wachusett and Holyoke.

## MEMBERS IN THE NEWS

### Maxine Elmont Honored

The National Association for Developmental Education (NADE) has created an award in honor of Mass Bay Community College faculty member Maxine Elmont. Elmont has been a Professor of Social Sciences and Professional Studies for over 45 years. She has been the longtime Chair of NADE's Workforce Development special interest group, and is herself a NADE Award winner. She is also a life-time member of NADE's regional affiliate the Learning Assistance Association of New England (LAANE).

The Elmont Award recognizes alumni of career programs who have distinguished themselves in an educational career and other areas of life. The awardee must have completed two developmental courses, earned a degree in a Career Associate Program and have outstanding accomplishments outside the classroom in a career setting.

For four decades NADE and its members have helped learners at all levels of preparedness realize their full academic potential. NADE and LAANE are dedicated to the acceptance, advancement, and improvement of developmental edu-

cation through research and practice.

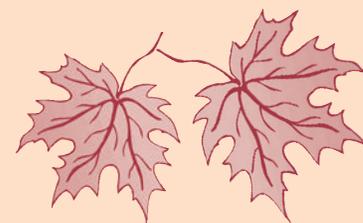
Elmont is a long time MCCC member and is currently on the Mass Bay MACER. ■

### Dental Insurance Problems?



Full-time faculty and staff should report any problems with the Met Life Dental Plan by contacting Rick Ponticelli, the MCCC representative to the Health and Welfare Trust, at [rpontice@northshore.edu](mailto:rpontice@northshore.edu) ■

## Know Your Day Contract



### October 2015

- Oct. 15** Notice of termination at end of fifth year or later (p. 39).
- Oct. 24** Accrued professional staff vacation time in excess of 64 days (480 hours) converts to sick time. This now occurs twice per year, falling on the end of the last pay period of April and October (p. 22).
- Oct. 30** *Last day to opt out of sick bank* (p. 19).  
*(Note: membership in sick leave bank is automatic upon first October of a member's employment.)*

### November 2015

- Nov. 11** Veterans Day holiday.
- Nov. 21** Unit Personnel Practices Committee established (p. 39).
- Nov. 26-27** Thanksgiving Holiday.
- Nov. 27** Professional Staff must use one of the three off campus days (p. 48).
- N.B. 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. All cited page numbers are from the 2013-2015 Agreement. ■*



### 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](mailto:Communications@mccc-union.org)

## New MCCC Directors

Last year we published the names and photos of the members of the MCCC Board of directors. This year there are four new directors to add to the gallery:



Carol Gray  
Part-time/Adjunct At-large



Keli Gates  
Cape Cod



David Houle  
North Shore



Bob Tarutis  
Mass Bay