

MCCC News



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Supreme Court Narrowly Upholds Agency Fee

Public employee unions across the nation were anxiously awaiting the U.S. Supreme Court's decision on *Harris v Quinn* that called into question the ability of unions to assess agency fees on people working under collective bargaining agreements. The court waited until June 30, the very last day of its 2013-2014 session, to issue a ruling that could have radically changed the union environment.

The case originated in Illinois, where the plaintiff, Pamela Harris, cared for her disabled son and was paid by the state as a home health care worker out of Medicaid funding under a Service Employees International Union (SEIU) collective bargaining agreement. Ms. Harris did not agree with aspects of SEIU policies and

disputed being required to pay an "agency fee" to the union.

The court's 5 to 4 decision on *Harris v Quinn* allows for "quasi-public" employees like Ms. Harris to be exempt from paying agency fees, but it did uphold the provision for regular employees. However, the majority did leave room for further cases to raise the issue in the future. (See Pres. LeBlanc's column on pg. 3 for analysis.)

Agency fee is a provision where employees in a workplace governed by a collective bargaining agreement that is negotiated by a union are not required to join the union under the constitutional right to free-association. But they must at least pay a fee to the union for the services it provides to all employees. Without agency fee provisions, some employees would choose to enjoy the benefits won by the union but not pay for them. These people are labeled "free riders."

Massachusetts and Illinois are among the 26 states that allow for agency fee, and the MCCC does assess an agency fee for those "unit members" who choose not to join the union. According to the 1977 *Abod* court decision, unions must calculate what portion of their dues are used for partisan political activities and deduct those from the member dues level to determine the agency fee level. The MCCC is affiliated with the Massachusetts Teachers Association (MTA) and the National Education Association (NEA). Members' dues are apportioned for each of these organizations and each calculates its own agency fee level.

Harris' suit was represented by the National Right to Work Committee (NRTWC) Legal Defense Foundation, a group that opposes union requirements for employees. "Right to work" is one of those focus group tested labels that doesn't exactly represent what the organization stands for. NRTWC and other "right to work" groups' agenda is to undermine the growth and strength of public sector unions.

Liberal groups have their own interpretation of "right to work" as "right to

free ride" (RTFR). Given human nature, people will not pay for something that they can get for free, which would severely restrict union power.

An article in the April 14, 2014 issue of *The Nation* noted that, "Governor Mitch Daniels demonstrated this truth years ago in his overnight conversion of Indiana's public sector into an RTFR zone. Within a couple of years, the revenue from represented workers in public sector unions was down some 80 percent. We

see it today in Wisconsin, as the effects of Governor Scott Walker's RTFR act sink in. AFSCME's revenues are already down 60 percent."

Full-time MCCC faculty and staff overwhelmingly choose to belong to the union, with less than 1 percent choosing agency fee. However, part-time members choose agency fee at a much higher percentage. The union has been trying to determine the reasons for this discrepancy, but conducting research on this very diverse group has been difficult.

One reason may be misunderstanding the difference between union membership and agency fee. The MCCC provides

many services to agency fee payers, and because of this some may erroneously believe that they are members of the union. Cost saving is assumed to be a major reason for people to choose agency fee. Adjunct faculty pay is less certain than full-timers' pay and finances are a concern for many.

Some people do disagree with positions that the union takes, but in a large public-sector employment environment, individuals have very little control over their employment circumstances. A strong union to advocate for employees is a necessity.

Prior to the unionization of Massachusetts community college adjunct faculty in 1990, salaries did not increase for nearly a decade. Since then salaries have increased 300 percent, and in fact over the last decade they have outstripped the increases for full-time faculty and staff.

The difference between MCCC union dues and agency fee for part-time members is approximately 30 percent, depending on the employee earnings level. In actual dollars it is \$120.00 per year or less, and the additional benefits for full union members is worth much more than that amount.

See the MCCC website mccc-union.org in the DCE link for a more detailed explanation of dues and agency fee levels. ■



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Wanted: Day Bargaining Team Members

The MCCC is in the process of forming a team to negotiate a successor Day Collective Bargaining Agreement. The team negotiates with the employer over wages, hours, and conditions of employment. The current contract expires June 30, 2015.

This is an opportunity to shape the working conditions affecting over 2200 members for the next three years and beyond. The union seeks the input of every constituency of the collective bargaining unit; full-time faculty, and all professional staff—both full- and part-time.

The team is made up of 5 Day Contract members plus the MCCC President and Vice President—*ex officio*. While it is not guaranteed, members have traditionally been compensated with reassigned time to allow them to meet. And as a joint labor/management committee it is also counted as college service time.

Applications are due by September 12, 2014.

For information or to submit a letter of interest contact:

MCCC President Joe LeBlanc

President@mccc-union.org ■

2014-2015 MCCC Board of Directors

The MCCC Board of Directors is the body that approves all major decisions and actions of the union. It is comprised of representatives elected by the members of each of the 15 community colleges plus two members elected at large by part-time staff and adjunct faculty to represent their issues. The at-large directors serve one-year terms, and the chapter representatives serve one- or two-year terms depending on the individual chapter bylaws. The Board of Directors meets monthly except for July.

The Executive Committee deliberates issues and makes recommendations

for actions to the Board of Directors. It is made up of the four elected MCCC officers— President, Vice President, Treasurer and Secretary— along with three directors who are elected by their fellow Board members to serve for one-year terms. This year's members are Rosemarie Freeland, GCC; Liz Recko-Morrison, BrCC; and Candace Shivers, MtWCC. The executive Committee also meets monthly except for July, but it does convene at other times as necessary.

Photos of this year's directors are below. A photo was not available for Roxbury director Clark Grain who teaches mathematics. ■



Berkshire
Executive Committee
Liz Recko-Morrison,
Academic Counselor



Bristol
Diana Yohe,
teaches Office Administration



Bunker Hill
Sara Satham,
Academic Counselor



Cape Cod
Gail Guarino, teaches
Business Information Systems



Greenfield
Executive Committee
Rosemarie Freeland, coordinates
Women's Resource Center



Holyoke
Aaron Levin,
teaches Mathematics



Massasoit
Tom Kearns,
teaches Diesel and
Marine Mechanics



Mass Bay
Chandra Panse,
teaches Biotechnology



Middlesex
Joe Nardoni,
teaches English



Mount Wachusett
Executive Committee
Candace Shivers,
teaches Sociology



North Shore
Rick Ponticelli,
teaches Mathematics



Northern Essex
Suzanne Van Wert-Branscomb,
teaches English



Part-time/Adjunct At-large
Linda Grochowalski, teaches
English at Quinsigamond



Part-time/Adjunct At-large
Betsy Smith, teaches ESL
at Cape Cod



Quinsigamond
Susan McPherson,
teaches English



Springfield Tech
Roberta Albano,
teaches Dental Assisting

Supreme Court Gets It Wrong in *Harris v. Quinn*



Joe LeBlanc,
MCCC President

The agency fee is preserved for public sector unionized employees in the Commonwealth. Of course, fairness should prevail – negotiating a contract and enforcing the provisions of a collective bargaining agreement do cost money – but we’re living in a selfish age where so-called Right-To-Work states and Robber Barons are working overtime to destroy organized labor.

In *Harris v. Quinn*, the U.S. Supreme Court decided by a 5-4 majority to not require Illinois’ home health care workers to pay union dues to SEIU. Writing for the majority, Justice Samuel Alito called these workers “partial public employees” and asserted that requiring these workers to actually pay for negotiations and resulting salary increases and fringe benefits would violate their First Amendment rights. Note: All MCCC unit members are state employees. They aren’t partial anything. Unit member are covered by our Day or DCE contracts. Every single unit member is required to pay union dues or an agency fee.

Harris v. Quinn is a narrowly defined decision, but we cannot ignore Justice Alito’s references to the *Abood v. Detroit Bd. Of Ed.* (1977) decision’s so-called “questionable foundations.” It’s clear Justice Alito would welcome a broader attack on public sector unions in the next session.

Justice Elena Kagan, in the dissenting opinion, writes eloquently about upholding legal precedent. “The *Abood* rule is

deeply entrenched, and is the foundation for not tens or hundreds, but thousands of contracts between unions and governments across the Nation,” she writes. “Our precedent about precedent, fairly understood and applied, makes it impossible for this Court to reverse that decision.”

In *Abood*, some Detroit public school teachers challenged contractual language that required non-members to pay an agency service fee.

“The Court upheld the requirement so long as the union was using the money for ‘collective bargaining, contract administration, and grievance adjustment, rather than for political or ideological activities,’” Kagan writes.

Abood understands the benefits of the collective bargaining process and closed shop provisions that require paying at least an agency fee for services delivered by unions. Agency fees are allowed in 26 states including Massachusetts. These fair share fees protect unions like ours from freeloaders, unit members who would benefit from gains made at the bargaining table, but who would pay nothing in return.

In Justice Alito’s world, everything would be just fine without agency fee requirements. Everything would be even better without *Abood*, of course. Let labor-management unrest reign. Give public employers everywhere absolute power and don’t expect to see fairness and justice in the workplace.

Rational workers and employers think otherwise. Kagan writes in her dissent: “Detroit had decided ... that bargaining with a single employee representative would promote ‘labor stability’ and peaceful labor relations ... and because such an exclusive bargaining agent has a legal duty to represent all employees rather than just its own members, a compulsory surcharge fairly distributes

‘the cost of [bargaining] among those who benefit and counteracts the incentive employees might otherwise have to become ‘free riders’.”

“This court does not have anything close to the special justification necessary to overturn *Abood*,” Kagan writes. “Over nearly four decades, we have cited *Abood* favorably numerous times, and we have repeatedly affirmed and applied its core distinction between the costs of collective bargaining (which the government can demand its employees share) and those of

political activities (which it cannot).”

So, *Abood v. Detroit Bd. Of Ed.* remains the law. This summer’s narrowly defined legal loss notwithstanding, Justice Kagan gets it: “*Abood* got this matter right; the majority gets it wrong. Illinois has a more than sufficient interest, in managing its workforce and administering the Rehabilitation Program, to require employees to pay a fair share of the union’s costs of collective bargaining.”

It’s too bad the majority got this decision wrong. ■

2014-2015 Member Dues Breakdown



The 2014-2015 member dues breakdown for full-time faculty and staff. Total \$937.00.



The 2014-2015 member dues breakdown for part-time faculty earning over \$9,000 annually and for part-time staff working more than 50 percent of full-time. Total \$323.50. (Dues for those earning less or working fewer hours are \$216.25.)

The Value of Membership

Adjunct faculty and part-time staff will be renewing their MCCC memberships as the new academic year begins. You have two membership options: agency fee or Union member. Everyone working in a faculty or professional staff position in a Massachusetts community college is a member of the MCCC Unit. Because the union works to negotiate and maintain the collective bargaining agreements, everyone is required to pay the agency fee. We hope you will choose the option of full MCCC union membership.

Belonging has value.

There are pragmatic values to union membership

- You get a \$1million NEA Professional Liability Insurance policy.
- You are eligible for MTA Legal Assistance if needed for employment related incidents.
- You get discounts on insurance, financial services, travel, and wellness through MTA.
- You get discounts on recreational activities like museums, theater, sports, and lodging throughout Massachusetts and New England using your MTA membership card.

But there’s a value in just belonging.

Nearly 100% of the full-time faculty and staff belong to the union. About 3,000 adjunct faculty and part-time staff belong. They’ve recognized the importance of a unified voice in preserving the rights of community college faculty and staff. They’ve recognized the vital need for advocacy on a state-wide level.

- If you are currently a union member, we hope you’ll continue with us for the next year.
- If you are not currently a union member, we hope you’ll join with over 5,000 of us in a vibrant organization that’s working hard on your behalf. ■

MCCC Meetings Calendar 2014-2015

YEAR	MONTH	EXECUTIVE COMMITTEE	OTHER EVENTS	BOARD OF DIRECTORS
2014	AUGUST	12 (Tues)	MTA Summer Conference 3-7	20
2014	SEPTEMBER	5-6		19
2014	OCTOBER	3	MCCC Fall Conference 23 (eve)	17
2014	NOVEMBER	7		21
2014	DECEMBER	5		–
2015	JANUARY	14 (Wed)		23
2015	FEBRUARY	6		20
2015	MARCH	6	NEA Higher Ed Conf. TBA	27
2015	APRIL	3	MCCC Delegate Assembly 25	17
2015	MAY	14 (Wed)	MTA Annual Meeting 8-9	–
2015	JUNE	3 (Wed)		17 (Wed)
2015	JULY	–	NEA-RA 1-6	–

Know Your Day Contract

September 2014

Sept. 2 Earliest classes may begin (p.46).

Sept. 5 Faculty office hours must be posted (p.46).

Sept. 9 Course materials (Form XIII-E2) for Fall 2014 must be distributed to students and submitted to supervisor before end of drop/add period (p.51).

Sept. 15 Unit members receive notice of accumulated sick days (p.20).

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. The 2012-2015 contract is available on line at mccc-union.org.

Free Life Insurance for Union Members

Members of the MCCC are also members of the National Education Association, and as an NEA member you are automatically covered by the NEA Complimentary Life Insurance (formerly known as NEA DUES-TAB) term life insurance. It is a guaranteed benefit for

Active and Life members. All you need to do is register your beneficiary.

The free program offers \$1,000 of term life insurance, up to \$5,000 (depending on years of membership) of accidental death and dismemberment coverage, and up to \$50,000 of AD&D insurance for any covered accident that occurs while on the job or serving as an association leader.

To register your beneficiary or to obtain more information call 1-800-637-4636, or go to www.neamb.com/xchg/neamb/xsl/hs.xsl/-/home/1199_881.htm ■



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

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/>

Applicants Wanted for Three Positions:

MCCC STRATEGIC ACTION STEERING COMMITTEE

Responsibilities:

- Monthly meetings in Boston and/or Worcester to develop an appropriate SAC agenda and related implementation strategies
- State House and in-district lobbying to support the SAC agenda
- Mentoring and support for SAC Chapter Representatives, chapter leadership, and chapter membership
- Statewide event planning and participation, when appropriate, to support key SAC initiatives
- Attendance at political events, when appropriate
- Commitment to a SAC subcommittee, a current SAC initiative, or an area of particular legislative expertise
- Documentation of your work at the end of each semester in a written report submitted to the SAC Chair

Qualifications:

- Strong interpersonal communication and organizational skills
- Awareness of current legislative and state budget issues that affect the MCCC and its members
- Interest in developing, promoting, and supporting an effective strategic action plan for the MCCC
- Knowledge of the legislative process
- Political campaign and/or grassroots organizing experience
- Time/energy/talent to engage legislators and activate membership
- A year or more of experience as chapter SAC representative or as SAC Steering Committee member

Term: September 1, 2014 through June 30, 2016

Candidates appointed to these positions are eligible for one course section of reassigned time for the academic year and will be reimbursed for SAC travel expenses. Expected time commitment per year is about 150 hours and may include some summer activities. Your letter of application should highlight your related experience and indicate why you are interested in this position.

Email your letter of application

by Saturday, August 30, 2014, to:

Donnie McGee: Vice_President@mccc-union.org