



Bargaining Update

DCE Impact Bargaining Update—8/15/16

EXECUTIVE SUMMARY

The MCCC is currently engaged in impact bargaining with the employer to address the impact of displacement of DCE faculty related to a provision in the new Day contract that allows full time faculty to teach as part of their day workload classes starting at 4 to 5 p.m., a time period historically reserved for DCE courses, and address the adverse effects that the provision may have on DCE faculty losing work.

Management's Team asserted at the beginning of these impact bargaining negotiations that the classes in question would be for courses that are required for programmatic needs or to replace low enrolled courses normally taught by full time professors during the day (e.g., BIO 101 at 10 a.m.) that would be moved to a start time between 4 and 5 p.m. with the hope that enrolment would be sufficient for the course to run and prevent possible retrenchment. The Employer feared that these full-time professors would be laid off if they could not teach a sufficient number of fully enrolled courses per semester.

The Union and Management have been engaged in bargaining related to this provision since May and are working towards an agreement that protects the income of DCE faculty while helping threatened full time faculty. We are not there yet.

BACKGROUND

The MCCC Day contract was ratified on March 23, 2016. It contained a provision allowing Day faculty to teach courses beginning at 4 p.m. and as late as 5 p.m. as part of the faculty member's Day unit workload.

All classes starting at and after 4 p.m. had previously been under the DCE contract. As a result, the MCCC on March 28, 2016, sent the Employer a "Demand to Bargain" the impact of the new Day contract's language affecting the DCE unit. Members of the DCE bargaining team for the 2013-2016 DCE contract have been in impact bargaining with the Employer since May 26.

BARGAINING STATUS

Meetings with the Employer were held on May 26, June 21, and July 25. The next meeting is scheduled for August 24.

Members of the Employer's team: Mike Murray (Director of Employee and Labor Relations, Department of Higher Education--DHE), Carol Wolff Fallon (Labor Counsel for the Massachusetts Community Colleges – MCC), and occasionally John Casey (Assistant General Counsel, MCC), Steve Fabbrucci (Human Resources Director at Northern Essex Community College) and Sue Miller (Chief Academic Officer at Cape Cod Community College).

Participating Members of the DCE team: Linda Grochowalski, Chairperson (adjunct faculty at Quinsigamond Community College—QCC), Mark Bashour, Vice Chairperson (adjunct faculty at QCC), DeAnna Putnam, Secretary (adjunct faculty at Bunker Hill Community College), Joe Rizzo (MCCC DCE Grievance Coordinator, as consultant), Ted Lewis (MTA Consultant/Spokesperson), Diana Yohe and Jeff Seidman (MCCC President and Vice President).

THE OFFERS

Key elements of the June 21 MCCC offer were:

- In addition to each college campus chapter being notified whenever a Day faculty member is scheduled to teach a course that commences on or after 4 p.m. as part of that faculty member's Day unit workload, the DHE shall also notify the MCCC President.
- If a Day unit member's assignment causes a loss to a DCE member who has taught a comparable course during the same time period, the Employer will provide one of two remedies:
 - The impacted DCE unit member will be assigned an alternate comparable course without proration at a time the DCE member is available.
 - If the affected DCE member cannot teach an alternate course or one is not available, the faculty member will be made whole both financially and in terms of seniority, as if the affected DCE member taught the course.

Key elements of Employer's July 5 counteroffer (with our concerns sub-bulleted and italicized):

- Each college shall notify the MCCC College Chapter whenever a Day faculty member is scheduled to teach a course that commences on or after 4 p.m. as part of the faculty member's workload within two weeks of assignment.
 - *MCCC notification removed*
 - *Two weeks' notice leaves little time for reassignment of a course to a DCE unit member*
- In the event a Day faculty member is assigned such a course, and a DCE unit member on the seniority list who has taught the same course in the same time slot in the prior Spring or Fall semester, is not assigned any course, the College shall provide an alternate course to the affected DCE member, with the greatest unit seniority in such work area, provided that the DCE unit member is qualified to teach another available course, if in the sole professional judgment of the president or president's designee.
 - *Too restrictive.*
 - *Does not provide for when the DCE unit member is available to teach.*
 - *Requires qualification in a different course as determined by administration.*
 - *No offer of cash compensation to make the DCE member "whole" financially.*
 - *Does not offer advancement in seniority as a part of being made "whole."*
- In the event a unit member with greatest seniority has already been assigned a course, the DCE unit member with the next greatest seniority in such work area who has also taught the course in the same time slot and time period another available alternate course or if none are available, a DCE unit member on the seniority list, shall have no break in previously accrued seniority or credit towards eligibility for reappointment if no course is assigned.
 - *Too restrictive*
 - *No advancement in seniority*

NEXT STEPS

Our next meeting with the Employer is scheduled for August 24; we will be submitting a counterproposal that strongly advocates for real protections for the DCE unit as a direct result of removing work from the DCE unit during the 4:00-5:00 p.m. starting time period. We are firm in our position that an alternate course or compensation and seniority advancement is a fair remedy for the impact on our members.

We are working on a settlement before September, if possible. To ensure timely agreement of our demands, and after a DCE team meeting on July 29, with the participation of our MTA consultant, we developed a plan to reach out to Chapter presidents to ask their College presidents to encourage Management's Team at the bargaining table to move swiftly in reaching a fair settlement.

Linda Grochowalski, DCE Bargaining Chair/Ted Lewis, MTA Consultant DCE Bargaining Team Spokesperson