

Kiefson: Opinion

Page 2

Yohe: Delegate Assembly

Page 3

DCE Grievance Report

Page 4

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MCCC News



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MCCC Delegate Assembly April 29, 2017

New Location:
Doubletree by Hilton
5400 Computer Drive
Westborough, MA

From Rt. 495 take Exit 23B for Rt. 9 West. Once on Rt. 9 West, take Computer Dr./Research Dr. Exit. At 1st light, take a right and hotel will be on the left.

Future SCOTUS Decisions Concern MTA

Last year there was a case called *Friedrichs vs California Teachers Association* in the U. S. Supreme Court about charging agency fees. Unions expected it to go against them in a 5 to 4 decision from conservative justices. Then Justice Antonin Scalia died, leaving the court tied, and the lower court judgment held in the Union's favor.

We now have a Supreme Court nominee Gorsuch who is at least as conservative as Scalia. And there are cases coming up through the appeals courts that are expected to reach the Supreme Court next year.

With this in mind MTA Executive Treasurer Ann Clark came to a meeting of the MCCC Board of Directors to explain how MTA plans to address the potential loss of members if agency fees are eliminated by the court.

Last year there was hope that the court might decide in favor of the Union position 5 to 4 with the swing vote of Justice Kennedy. Clark said that he showed his opinion in *Friedrichs* by being against the Union position. So Kennedy is expected to be part of a conservative majority on the next case along with whomever Trump's appointee might be.

Losing agency fee would be a significant blow to unions. In states that allow the fees, people are not required to join the union, but a union may charge an agency or "fair share" fee for the services it does on behalf of everyone working in collective bargaining units. Activities like negotiating and enforcing contracts are chargeable costs, but political action and lobbying are not.

People who are currently paying the reduced agency fee are expected to stop paying anything to the union if they are not required to do so. They would become "free riders," who reap the benefits of work funded by the dues paying union members, without paying anything.

Clark pointed to MCCC's membership numbers as a particular concern. Of the 2264 full-time faculty and staff only about one percent opt for agency fee, but of the 4625 adjunct faculty in the community college system about 43 percent choose agency fee over Union membership.

Expecting an unfavorable SCOTUS decision, MTA is planning strategy. Clark said that the start of the 2018-2019 academic year would be earliest the effects of such a decision would be felt. Leading up to that point, MTA is actively engaging in organizing its members and building solidarity.

Joined by MTA's General Counsel, Ira Fader, Clark also offered MTA's assistance in mediating some of the divisions that have arisen within the MCCC as new leadership has been shifting the focus of Union and friction has developed between the new agenda and the status quo. Clark pointed out that the Union has a common objective of building a strong organization in the face of external threats, and that a unified MCCC is the strongest defense. ■

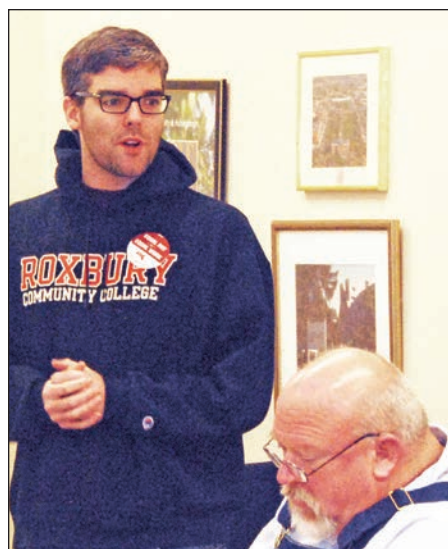
Adjunct Pay Equity Calculation

MCCC's DCE Bargaining Team has made pay equity for adjuncts one of its principal goals. "Equal Pay for Equal Work" is the slogan for the campaign to improve conditions for adjunct faculty. What constitutes pay equity with full-time faculty has been under discussion.

The DCE Bargaining Team has been working on how to determine a supportable equivalency. Team member John McColgan, mathematics instructor and Roxbury CC chapter president, gave a presentation to the MCCC Board of Directors on the calculations he has done for the Team.

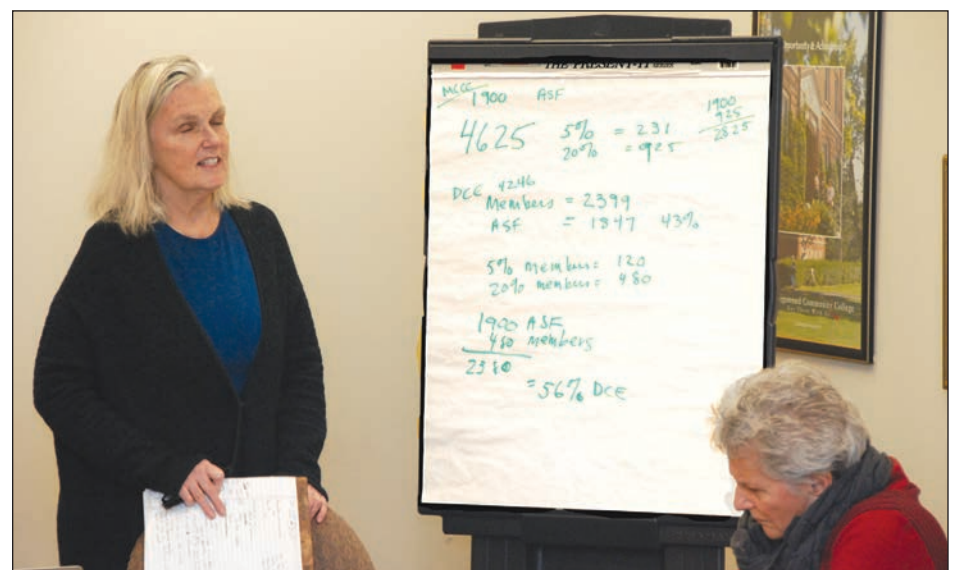
Besides teaching 10 course sections per year, full-time faculty also have responsibilities for student advisement, college governance meetings, and other college service activities. In consultation with MCCC coordinators the Team has determined that 72.5 percent of a full-time

Continued on page 2



Roxbury Community College chapter president John McColgan who is also a member of the DCE Bargaining Team gave a presentation on how the team is calculating pay equity for adjuncts.

(Photo by Don Williams)



MTA Executive Ann Clarke spoke to the MCCC Board of Directors about the preparations MTA is making in anticipation of an unfavorable Supreme Court decision regarding union agency fee collections.

(Photo by Don Williams)

— **OPINION** —

The Politics of Solidarity

By Ruth Kiefson,
Roxbury Community College

Decades ago employers in key industries, including higher ed, concocted a strategy-- the two-tier wage system-- to depress salaries, divide workers, and destroy class consciousness. A massive coordinated attack on unions was underway—starting with Reagan’s firing of the Air Traffic Controllers and then attacking public sector workers’ pensions and benefits. Labor bureaucrats failed to mobilize the full weight of organized labor to up the ante in the class war. In-

stead, they gave lip service to solidarity while relying on the Democratic Party to defend workers’ interests through legislation and the courts. Working as junior partners to the Democrats, union bureaucrats, in effect, disarmed and crippled the unions. Now, in the MCCC, the chickens have come home to roost.

When the MCCC won union recognition for DCE faculty in 1990, the Labor Relations Commission created two bargaining units. Why did we accept that? Bargaining separately allowed management to drive a wedge between us. If full-

and part-timers were one bargaining unit, it would be easier for us to realize that either we will all move forward together, or we will all move backwards, divided. As it is, management has degraded our profession by turning most of us into migrant workers.

This weakness has also led to the backwards slide of full-timers wages, compelling them to moonlight (about half teach DCE courses). Years ago, we ought to have waged a political struggle for solidarity within the MCCC by asking full-timers not to work DCE because they

were effectively taking sections from their colleagues. Perhaps then, with unit members able to stand shoulder to shoulder, we would have the power to really take on management, roll back the full-time workload, fight for full-time positions for adjuncts, and an automatic cost of living increase. Instead, full-timers’ salaries slipped below the cost of living while adjuncts earn food-stamp wages.

Now, we are careening in the dangerous direction of division. While the problem is manifesting itself mainly on the Board, it reflects a deeper divide where full-timers accept the unacceptable because they don’t perceive that they are directly affected, and don’t think fighting back is possible.

We are capable of much more. We are capable of thinking and acting strategically to defend the interests of adjuncts and full-timers. We can break away from the Democrats and organize a rank-and-file campaign of direct action. This is how UMass faculty won job security, benefits, and a living wage for adjuncts. ■

Adjunct Pay Equity . . .

Continued from front page
faculty member’s workload is spent on teaching classes.

What a full-time faculty member earns is determined by the individual’s academic credentials and years of service, so it is still complicated to set what would be an appropriate full-time salary benchmark.

But salary is not the only compensation full-time faculty receive. All full-time state employees share a basket of benefits. Some of the major benefits like health insurance, the state pension system, and paid holidays are legislated. Others are negotiated in contracts within legislated limits like sabbatical leaves, sick and personal days, dental insurance, and parental and bereavement leaves. McColgan said that the team was using a calculated figure of \$1,017/per 3-credit course as the value to adjuncts of the non-salary benefits full-time faculty receive.

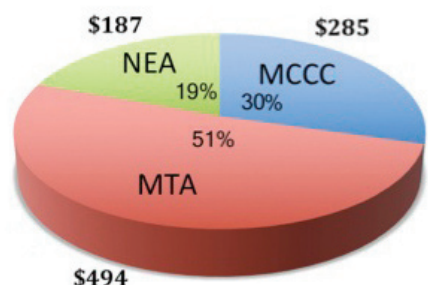
He showed a number of calculations for salary asks to bring to management that took a variety of conditions into account. The Board discussed the ideas presented and made suggestions. Any of these would result in significant increases for adjunct faculty. ■



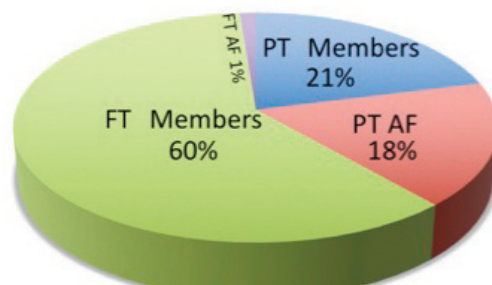
MCCC President Diana Yohe and Vice President Jeff Seidman were joined by MTA Consultant Ted Lewis (right) in conducting the first of a series of Tele-Town Halls where they could have direct discussions with members. This event was at Bristol Community College, but they will be originating from MTA Headquarters in Quincy in the future.

Dues and Membership Analysis

In his presentation of the 2017-2018 fiscal year budget for review, Treasurer Phil Mahler provided the Board of Directors with these graphs breaking down dues and membership.



Full-time member dues, \$966. in FY 16 apportioned to MCCC, MTA and NEA.



Percent of MCCC Income by Full-time, Part-time, Member, Fee Payer.

MCCC DELEGATE ASSEMBLY

By Diana Yohe, MCCC President

The MCCC Delegate Assembly is the most democratic body in the MCCC, and it's also the most powerful. It's easy to be elected, and it makes a difference.

The statewide elected officers, Board of Directors, and Chapter Presidents matter in carrying out the day-to-day work of the Union, but the decisions of the Delegate Assembly are the highest authority. As our Bylaws say "All legislative responsibilities of the Council shall be vested in the Delegate Assembly, and its policies and programs shall be implemented by the constitutional officers and governing bodies of the Council."

The Delegate Assembly is held once each year. For 2017, it will be held on **Saturday, April 29**, at Doubletree by Hilton, 5400 Computer Drive, Westborough, MA 01581. In addition to conducting important work, it provides an opportunity for you to meet and get to know colleagues from other chapters.

The Delegate Assembly determines what dues members pay, and (related to that) also determines the annual budget for MCCC, what's in, what's out. Most members care about dues rates.

The Delegate Assembly is also the only body that can amend the MCCC's Bylaws (which are in effect our constitution). Doing so requires a two-thirds vote of the members present and voting. This year the body will consider a number of proposed changes to the Bylaws. Bylaw proposals may be submitted by any union member. Bylaw proposals submitted by February 1, 2017, will be posted on the MCCC website and will be given to elected delegates from each of our 15 chapters at least two weeks before the Delegate Assembly so that the bylaw proposals may be thoughtfully reviewed and considered prior to voting at the Delegate Assembly.

MCCC Elections policies and procedures require that there be a chapter-wide call for nominations over a reasonable period of time so that all members have an equal opportunity to put their name forward to serve as delegates. In most chapters if you want to be a delegate, all you need to do is send an email to your chapter president saying "I'd like to run for delegate assembly." In theory delegates are elected, and on rare occasions

there is an actual election; but most of the time chapters don't fill their full allotment, so anyone who puts their name in is elected. If you are at all interested, please send an email to your Chapter President; **do it today!**

If all the allowed delegate slots were filled, there would be more than 250 people at our MCCC Delegate Assembly. A quorum of 80 members is needed to hold the Delegate Assembly. Chapters have been notified of their allowed delegate count and are urged to meet a **minimum number** of delegates to ensure a quorum. Each chapter is required to provide the names of its elected delegates and alternates by April 14, two weeks prior to the April 29 Delegate Assembly.

Becoming a delegate to MCCC's Delegate Assembly is a relatively small step, but it's an important one, and can make a difference. You are the union. To make it work for you requires your input and engagement. I urge to send an email to your Chapter President asking to be a delegate.

If you encounter any problems in running for delegate, please send an



Diana Yohe, MCCC President
email to office@mccc-union.org for follow-up.

For a comprehensive overview of this year's Delegate Assembly, please visit the MCCC webpage at www.mccc-union.org and look in the middle of the page for:

MCCC DELEGATE ASSEMBLY
Saturday, April 29. Become a delegate for your chapter. [Click here for full details.](#)

I look forward to seeing you on Saturday, April 29. ■

Election Results

The winners of the 5-way election for the two Part-time/Adjunct At-large Director positions are Carol Gray with 56.9 percent of the vote and Michael Pearson with 41.7 percent.



Carol Gray



Michael Pearson



The DCE Bargaining Team meet with the employer on March 29 at Mt Wachusett Community College's Devens Campus. Pictured here as the Team prepared are, from left, Patrick Lochelt, NECC; Ted Lewis, MTA Consultant; Diana Yohe, MCCC President; Kathy Panagiotes, MWCC (guest); Linda Grochowalski, QCC chair; and Jeff Seideman, MCCC Vice President.

(Photo by Don Williams)

Visit The MCCC Online! www.mccc-union.org

The MCCC website is the best and most up-to-date source for late breaking developments important to Day and DCE Unit members in addition to being a valuable resource for MCCC contact information, bargaining and legislative updates, contracts, committee assignments, bylaws, local chapter leadership, calendar of meetings and events, and the MCCC News newsletters (current and past).

Find links to NEA, MTA and MCCC on Twitter and Facebook.

Bookmark the site for frequent referral.

NOTE: A new format for the MCCC webpage is currently under construction and should be launched soon.

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/](http://mccc-union.org/ChangeMyAddress/)

DCE GRIEVANCE REPORT

Rizzo Addresses Issues of Concern and Trends

MCCC's DCE Grievance Coordinator Joe Rizzo gave his Spring 2017 report to the MCCC Board of Directors at their March 24 meeting. He also shared the Annual Report that will be available for the Delegate Assembly.

In his grievance report Rizzo discussed some ongoing issues of concern that he has been monitoring.

Concurrent/Dual Enrollment has been an issue where high school teachers teach college-credit courses at their high schools as part of their regular workloads. Rizzo said this is really subcontracting MCCC unit work without benefit to MCCC unit members. This is happening at Middlesex and Quinsigamond Community Colleges now. Northern Essex was sanctioning these courses, but has stopped.

Caps on the number of courses adjuncts can be assigned is something members have been suspecting at many campuses. The MCCC pursued a grievance at Bunker Hill where the Union had found evidence of an official cap. In a settlement, the college issued a statement saying there is "...no specific upper limit or cap on course assignments for adjunct faculty." Rizzo pointed out that the Union still has a freedom of information request to all 15 colleges to see if any have such caps as members still perceive that they exist.

In what Rizzo calls the "10.03 Abyss," he explained that Article 10.03 has been in the DCE contracts since the first one, and it calls for unit members with the longest seniority to be provided an assignment unless certain conditions exist. But the language precludes taking a grievance under this article to binding arbitration. The college presidents are pushing an interpretation of 10.03 that expands the limit on arbitration to other appointment-related grievances. The Union is pushing back to preserve the

right to get a permanent solution to an issue through the arbitration process.

Closing out the grievance portion of his presentation, Rizzo went through a few recent cases and what were the resolutions. A number of them resulted in the members receiving some form of cash settlement.

In his Annual Report Rizzo reviewed the caseload, which had slightly declined after a 10-year high number of cases last year. The average number of DCE cases filed each year is 51.27. There were 77 cases filed last year and another 18 cases filed since Jan. 1.

Unemployment benefits for DCE members was the last subject of his presentation. Adjunct faculty who have no other employment are entitled to unemployment benefits between semesters. If a union member is denied benefits, MTA will provide an attorney to defend their case.

In the past three years the Department of Unemployment Assistance (DUA) has imposed a new standard for determining adjunct eligibility for benefits. The key

criterion is whether the member has "reasonable assurance" of having a class run in the next semester, and the state is now using a stiffer, federal standard. With this new standard, the number of cases going to appeal with attorneys has increased.

The outcomes have still been overwhelmingly in the members' favor where in the past year they have won in 65 and only lost 11 cases. ■



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. 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

Know Your Day Contract

April 2017

April 6 Dean's leave of absence recommendations due (p. 30)

April 15 Dean's tenure recommendations due (p. 44)

April 15 Title changes announced (p. 65)

April 17 Patriots Day holiday (p. 23)

April 25 Professional Staff unused vacation days in excess of 480 hours (64 days) converted to sick leave at end of last pay period in April. (p. 22)

May 2017

May 1 President's tenure recommendations and sabbatical notification due (pp. 44 & 27)

May **Last Day of classes** Faculty submit college service and student advisement form (p. 57)

May 21 Tenure decisions due (p. 45)

May 29 Memorial Day observed

May 30 Professional staff College service and student advisement forms (p. 59)

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. ■



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:

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