

MCCC News



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DCE Grievance Report: A Mixed Bag

MCCC DCE Grievance Coordinator Joe Rizzo made his fall report to the Board of Directors with a mix of positive and not so positive developments.

Salary Increase

DCE faculty will receive a 3.5 percent increase beginning January 2013. The per/credit salary schedule will be as follows:
Step 1- \$920 (1–5 courses taught)
Step 2- \$985 (6–10 courses taught)
Step 3- \$1,059 (11 or more courses taught)
Step 4- \$1,112 (8+ years seniority)

Members should note that seniority and step placement are based at the individual colleges and are not system-wide.

Intersession courses would be subject to the increase. Members should look over their contract materials to ensure that no

errors are made, and this scrutiny also should apply to a member's placement on the Step scale relative to the number of courses they have taught, or the attainment of 8 years of service on the DCE Seniority list at the individual college for Step 4 placement.

Rizzo displayed a graph showing the steady improvement in salaries since unionizing DCE faculty in 1990. At that time the top pay for a 3-credit course was \$1,000 or less and now it is \$3,336 at Step 4.

Health Insurance Lawsuit

Rizzo reported on the October 24 hearing in the Suffolk Superior Court over the union's lawsuit to provide health insurance for part-time members. MTA Attorney Matt Jones represented the MCCC. The defendants were represented by the Attorney General and counsel for the Mass. Health Connector.

Also in attendance were attorneys representing the Community College Presidents, MTA General Counsel, MCCC President LeBlanc and plaintiff DCE unit members.

There are two aspects to the union's case. First the union contends that under Mass General Law c. 32A, regular state employees working more than half time (defined as 18+ hours per week) should be offered health insurance through the Group Insurance Commission. Counting course preparation time, an adjunct faculty member who teaches three courses per semester would easily fit the definition of half time. Also, teaching those courses at different colleges doesn't change the fact that all of the work is being done in service of the Commonwealth as specified in the law.

The second aspect is that, under that state's health care reform law, employers who do not provide insurance for their employees are required to establish a protocol for coverage with the Connector and provide a contribution. The College Presidents refuse to do this and MCCC part-time faculty are required to buy health insurance through the connector, but they do so without an employer contribution.

The Connector argued that the suit against it be dismissed be-

cause it is the employer (the colleges) that refuses to treat the adjunct faculty as eligible employees and has failed to establish a protocol with the Connector for coverage.

The state made several arguments in its defense. One was that part-time faculty are hired on individual course assignments, so someone teaching three courses per semester is really three different people each teaching one course. The state also argued that part-time faculty do not necessarily maintain the same workload from one semester to the next and that they come and go. The judge noted that evidence showed that some faculty teach for decades on a part time basis.

Another argument the state made was that adjunct faculty have significant breaks in their employment between semesters. Rizzo noted the irony that the some college regularly attempt to deny unemployment benefits and withdrawals of OBRA pension funds because they claim that adjunct faculty have reasonable assurance of continued employment.

A decision will not be rendered for six to eight weeks, but there is no specified time line.

Other Issues and Concerns Grievance Arbitration Rights

The College Presidents, through their Office of Community College Counsel,
Continued on page 2



MCCC DCE Grievance Coordinator Joe Rizzo presented his report at the November Board of Directors meeting. The Oct. 24 court hearing on the Adjunct Health Insurance lawsuit was a major focus of his presentation. (Photo by Don Williams)

Proposed By Laws Changes Due by Feb. 1, 2013.

Contact Bylaws and Rules
Committee Chair
Claudine Barnes at
Secretary@mccc-union.org
for forms and
submission rules.

(See *Directors' Notes* page 2)

MCCC Election Nominations Nominations Due by Feb. 1, 2013

See Page 4

MCCC/MTA/NEA ELECTIONS: Your Chance to be Heard

Nominations are under way for the March 2013 election for the two Part-time/Adjunct at Large representatives to the MCCC Board of Directors as well as for delegates the MTA Annual Meeting in May and the NEA Representative Assembly in July. Nominations close on Feb. 1, 2013.

At-Large Directors Election

The Part-time/Adjunct at Large Directors serve annual terms and are elected only by part-time MCCC union members. These two positions represent the interests of those members from across the state, along with the other 15 directors who represent individual chapters. The Board of Directors makes most of the MCCC's important decisions.

Candidates for the Directors' positions are allowed a 250 word statement and a photograph to be published in the February MCCC News. Those items must be submitted to the editor by the Feb. 1 nomination closing date.

Delegate Elections

Some of the union policies are decided at the level of our state and national affili-

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Directors' Notes

At the Nov. 16, 2012 meeting of the MCCC Board of Directors the following actions were taken:

1). Directors Shivers and Tynan reported on the progress of the *ad hoc* Dues Committee, but felt that they needed additional time to conduct research. They requested that the Committee's report out date be moved from the January to the April Board of Directors' Meeting. The motion was passed.

2). The Executive Committee brought a proposed policy change to the Board regarding proposed amendments to the MCCC Bylaws. These changes, which would clarify the role of the Bylaws and Rules Committee, were recommended by

parliamentarian Patti LeGault-Frank after last year's Delegate Assembly.

The Board of Directors approved a motion to send the proposed amendments to the bylaws for adoption at the Delegate Assembly in April.

NOTE: The proposed changes would also require proposed bylaw amendments be submitted by Feb. 1. Currently the date is March 1. Because the policy change cannot be implemented until after the Delegate Assembly the Board request that submitters voluntarily adhere to the Feb. 1 date.

3). After discussion about the relationship between the MCCC and PHENOM, the Board approved a \$3,500 contribution to PHENOM.. ■

Policy and Procedures for Proposed Amendments to the Bylaws DEADLINES AND PROCESS FOR SUBMISSION

A call for proposed amendments to the Bylaws shall be published along with calls for nominations for Spring elections.

The deadline for submission is February 1.

Proposed amendments must be submitted to the Bylaws and Rules Committee chair using a form established by the Bylaws and Rules Committee and shall contain the following data: the name and address of the Bylaws and Rules Committee Chair for submission, the name of the maker(s) including one name designated as the sole contact, to be called the submitter; the exact Bylaw article(s) and section(s) that are being amended; the exact language that is being deleted; the exact language that is being added and proposed; a rationale that will assist the Committee in understanding the intent of the proposal; complete contact information for the submitter including mailing address, telephone numbers; and, email address. All normal contact will be with the submitter and by email.

A copy of this Policy and Procedure and confirmation of receipt of the proposal(s) shall be provided, within seven days of receipt of the proposed amendment, by email, to the submitter. It shall be the responsibility of the submitter to verify receipt of proposed amendment(s) in a timely fashion after submission.

Submissions are not confidential. Any MCCC member in good standing may request a copy of all original submissions after the deadline. ■

MCCC/MTA/NEA Elections . . .

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ates: the MTA and NEA. Only delegates to the annual meetings are eligible to vote on the policies of those two organizations.

The NEA Representative Assembly will be held in Athens, GA., July 1-6, 2013. The MCCC provides \$800 for expenses to the 15 candidates with highest vote totals. Candidates have the opportunity of a 50- word statement to be published with the ballot mailing.

The MTA Annual meeting will be held in Boston on May 10 & 11, 2013. Typically the MCCC has more delegate slots than candidates, but delegates must still be elected. There is an opportunity for write-in candidates, but these cause many complications for the MCCC office. The

MCCC provides elected delegates with a \$50/day stipend, and a shared hotel room on Friday night for members who live more than 25 miles from Boston.

There is a mail-in nomination form on page 4 if you prefer to use that. The MCCC encourages on line nominations at the website mccc-union.org. In either case all communications will be by email after nominations close.

This year the election will again be conducted on line. Last year's online voting worked very well. And like last year, every eligible full- and part-time member will receive a mailing that will contain candidate statements and a letter giving a web address to log into, a unique user name, and a PIN number. ■

Grievance Report . . .

continued from front page

have been aggressively working to reduce contractual rights of DCE faculty by challenging arbitration rights. There is contract language (10.03) that non-reappointment grievance cannot be arbitrated but may only go to mediation which is not binding. The colleges have been attempting to characterize various grievances (even ones about discipline and breach of contract) as non-reappointment cases, and then claiming that the original grievance issue cannot be decided by an outside arbitrator.

The employer has been fighting arbitration in both DCE and Day contracts for a number of years, even appealing decisions to the state courts. In the past, an issue would be brought to an arbitrator who would first decide if that issue is subject to arbitration. Now the Presidents are attempting court action to prevent a case from even going to that stage.

Affirmative action, discrimination, and sexual harassment complaints are increasingly more common and they are being treated more often in a highly stringent manner by the colleges. These complaints are often lodged by students against faculty and staff. Sometimes they arise from misunderstandings over things said in electronic communication, and the Office of Community College Counsel has been presenting training on avoiding the pitfalls. Rizzo reminded everyone that members should go contact the MCCC immediately if they have questions about a specific situation.

Unemployment Assistance

Appeals for denial of unemployment benefits during semester breaks for adjunct faculty have dropped significantly since the Romney Administration, but they still continue where several campuses are

insistent on attempting to prevent faculty from collecting benefits. The claimants have routinely prevailed despite the impediments posed by these particular colleges. A more common problem members now face is a long delay (sometimes 8-10 weeks) from when the member initially files to when they get a determination. Rizzo attributed it to the high caseload at the Department of Unemployment Assistance (DUA) and with the DUA's more automated communication system, claimants find it difficult to contact a person to discuss their claim.

The MCCC /MTA can only help after a claim is denied. Typically the denial is based on the college saying that the faculty had reasonable assurance of employment after the semester break. Middlesex, North Shore, and Quinsigamond appear to be the most extreme in making this assertion. But the Union has successfully maintained that because the course offer is dependent on enrollment and other factors, there is not reasonable assurance of employment.

There are a number of criteria that must be met for DCE unit members to qualify Unemployment Assistance. Rizzo reminded everyone that there is a brochure explaining members rights on the MCCC website.

Specific Cases

Rizzo went into specific detail about 14 grievance cases at seven community colleges. Six of the cases were at Bunker Hill alone and all of them involved discipline and/or dismissal. Most of these were initiated by complaints from students alleging a breach of the Affirmative Action policy. These cases are very difficult to process but most of these cases were resolved. ■



Gabrielle Adler (left) from Bristol Community College and Karen Carreras-Hubbard from Berkshire Community College, representing the Professional Staff Committee, brought some issues regarding PSUM Classification Appeals process for discussion at the December MCCC Executive Committee meeting. The Committee would like to see more coordination of appeals across the state and suggested sharing information through the MCCC website.
(Photo by Don Williams)

New Book Offers Hope for Our Present Political Dysfunction

It has been a pleasure spending some time in E.J. Dionne Jr.'s head for the last couple of weeks. The Brookings Institution Fellow examines our national political character in his latest book "Our Divided Political Heart." He deconstructs our present national political mess and offers solutions for restoring the balance of individualistic and communitarian spirit that make us Americans.



Joe LeBlanc,
MCCC President

"We must recover our respect for balance and remember its central role in our history," he writes. "We are a nation of individualists who care passionately about community. We are also a nation of

communitarians who care passionately about individual freedom."

Outlining the creation and evolution of our national government, Dionne acknowledges our desire to place some limits on the federal government while asserting that we expect it to be "assertive and innovative... Our Founders did not devote so much time and intellectual energy to creating a strong federal government only to do it for nothing."

Dionne argues for balancing the needs of the individual and community. He argues for what he calls the "Long Consensus" – the result of work by Populists and Progressives beginning in the late 19th Century: "It is a view of public life that created what we came to call, with pride, the American Century. It wrote the social contract for shared prosperity. In a hundred years after Theodore Roosevelt assumed the presidency in 1901, government grew" – but so did individual liberty. The state assumed new roles, but indi-

vidual opportunities expanded. New regulations protected the air and water, the integrity of food and drugs, the safety of workplaces and consumer products – and American capitalism flourished. Workers organized into unions that advanced the interest of those who depended on their labor, not capital, for their livelihoods."

Dionne lacerates the Tea Party. He connects it to the anti-New Deal business leaders of the 1930's, the John Birch Society, Goldwater Republicans of the 1960's and today's Robber Barons – the Koch brothers. He questions its validity as a mass movement, citing a New York Times report that members were mostly "Republican, white, male, married and older than 45." Calling the Tea Party a case of "extreme individualism" Dionne criticizes its denigration of "...government and the importance most Americans attach to the quest for community."

Dionne traces the Left's occasional unease in embracing some elements of America's populist and urban political traditions. The late Molly Ivins writes this about the early days of populism: "Populism was up-from-the-bottom politics, a system of alliances and sub-alliances and alliance halls where people met and talked over their problems and shared their ideas and solutions. They took on the largest institutions of their day: the railroads and the banks. They allied with the Knights of Labor and fought replacement workers. They used the boycott, the strike and the ballot."

The Right's evolution towards an individualistic policy centered on minimal taxation and little business regulation is also examined. Traditional Republicans

must now support cuts to Medicare and Social Security – both programs of the Long Consensus – or they may have a Tea Party opponent in the next election. There is no place for communitarian sympathies or for liberal Republicans in this new order.

This new order would not have approved of Lincoln's expanded use of federal power in the Homestead Act granting land to farmers nor to the Morrill Act establishing land grant colleges. This new order would have opposed Theodore Roosevelt's use of federal power to fight monopolies, break-up trusts and establish our national parks system.

"The citizens of the United States must effectively control the mighty commercial forces which they themselves called into being," Roosevelt said in his New Nationalism speech. "...we have got to face the fact that such an increase in governmental control is now necessary."

Franklin Roosevelt sealed the deal. His New Deal programs and massive government spending during World War II saved capitalism, provided a safety net for our citizens and created a soaring economy for most of the rest of the century. Subsequent administrations added to Social Security and Medicare, two of FDR's most enduring legacies.

The key to restoring our greatness is recovering our balance, Dionne argues. "Roosevelt's ideas will continue to have resonance because they are consistent with our quest, from the very beginning of our republic, to achieve individual liberty rooted in a thriving sense of community and mutual obligation."

The Long Consensus is still relevant. Its survival is critically important in our present era of political dysfunction. ■



MCCC Day Grievance Coordinator Dennis Fitzgerald is filling in as MTA Consultant for Katie D'Urso, who has been on extended sick leave, as well as performing his regular duties. In his fall report, Fitzgerald focused on the problem of employer obstruction of the arbitration process that also concerned DCE Grievance Coordinator Joe Rizzo. Fitzgerald first asked the question, "Do we have final and binding arbitration?" And then followed up with "How many steps in the grievance process?" The collective bargaining agreement has just three steps, which according to the contractual timelines should be resolved within a year and a half. Fitzgerald then detailed the protracted process for a number of grievances – one in particular that was filed in 2007 that has gone through seven steps, with the decision at each step in favor of the grievant. Yet the employer has rejected each settlement and has sought new venues to appeal the arbitration decision. (Photo by Don Williams)

New MCCC Webmaster Named

The MCCC has had a website since 1998, but until now there has never been an official webmaster.

That situation has been rectified with



Thomas Powers from Springfield Technical Community College has been appointed MCCC's first official webmaster.

(Photo by Don Williams)

the appointment of Thomas Powers as the first MCCC Webmaster. Powers teaches Digital Media Production at Springfield Technical Community College, and he brings a fine arts background along with his technical skills to this new position.

That is not to say that the MCCC website has not been mastered. Treasurer Phil Mahler initially set up the website, and has served the function of webmaster for all these years. The site content has expanded exponentially over the years, and its usage for union activities has become essential. The union recognized that it deserved its own staff member.

Powers has begun to add some content, but plans on spending the rest of this academic year doing minor additions and adjustments while learning the site's structure and maintaining continuity.

The summer break will give Powers an opportunity to make his imprint on the website. It will continue to be a valuable tool for MCCC members. ■



Happy Holidays!
from the MCCC Executive Committee



Write Us

The *MCCC News*
Welcomes Contributions.

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
One Ferncroft Road
Danvers, MA 01923

Or email:

Communications@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. e-mail: Communications@mccc-union.org

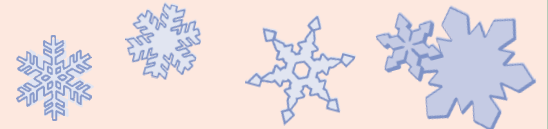
Know Your Day Contract

January 2013

Jan. 15 Sabbatical recommendations from committee to president. (p. 24)

Jan. 29 Course materials (Form XIII-E2) for Fall semester must be distributed to students and submitted to supervisor before end of drop/add period (p.49).

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. Page numbers refer to the last printed 2010-2013 contract.



Massachusetts Community College Council Nomination Form - 2013

A candidate must file this form (or a copy) with the MCCC Elections Committee to arrive by Friday, February 1, 2013, 4 p.m. **Nomination papers that arrive late will not be accepted.**
Check all that apply.

MTA Annual Meeting Delegate
Boston, May 10-11, 2013

NEA Representative Assembly Delegate *
Atlanta, GA, July 1-6, 2013

MCCC AT-LARGE DIRECTOR**

Part-time/Adjunct Director (2 positions)

*Candidates for NEA/RA may submit biographical statements.
**Nomination requires signatures of at least 10 MCCC members.
(Download signature forms at <http://mccc-union.org>)

Name _____

Full Home Address _____

Tel # _____

College _____

Tel # _____

MCCC Membership: Full Time Day Part Time Day DCE

For ALL Candidates: Gender Female Male
 Black Caucasian Asian Pacific Islander
 Hispanic-Chicano Native American

On Web

http://mccc-union.org/Nominations_2013
Download signature forms at –
<http://mccc-union.org/documents.htm>

OR

By Mail

Elections Chairperson
MCCC
27 Mechanic Street, Suite 104
Worcester, MA 01608-2402

Signature _____ Date _____
(Signature may be typed)

Email _____
(mandatory-all communications will be through email)

Deadline: MUST BE RECEIVED by Friday, February 1, 2013, 4 p.m.

**Bio or Statement for NEA-RA Candidates only (Optional) - 50 word limit (1 word per box)

Instructions

1. Type or print clearly using both upper and lower case letters as you expect the final statement to appear.
2. Insert no more than one word per box except when combining letters (ex. MCCC) or hyphenated words.
3. Insert punctuation in the same box immediately after the word you want it to follow.
