

MCCC



News

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Uniting for Public Higher Education

On Jan. 3 a meeting was convened at the State House sponsored by PHENOM (Public Higher Education Network of Massachusetts), bringing together a broad group of advocates for higher ed. to build a working coalition and to develop a coherent legislative program.

Participants in the meeting included Commissioner Freeland and representatives of the community colleges and university administrations, legislators, student organizations, and union representatives including MTA President Paul Toner and MCCC President Joe Leblanc.

Last year PHENOM launched its Great State of Mind campaign to address the

state's decreasing investment in higher ed. and the resultant increase in student costs. The campaign kicked off with a rally on the Boston Common in March. This was followed up in October with a 100 Mile Walk that started at Berkshire Community College in Pittsfield and ended up at the state house. Students, faculty, and staff members, including Quinsigamond MCCC member Dale Labonte, participated in the event.

Events such as these gain attention and build support, but PHENOM also has a detailed legislative agenda. Discussion at the state house meeting was wide ranging but it primarily focused on a few specific legislative actions: increasing operating budgets, generating revenue, and creating a "finish line" financial aid grant program that would address retention and provide an incentive for completion.

Participants agreed to return to their respective organizations and report on the meeting and discuss ideas for legislative program and organizing strategies. They also agreed on some near term actions including collecting and using consistent data, continuing to explore financial aid proposals, and putting BHE operating budget requests in the context of larger goals.

They also agreed to work on a coordinated Higher Ed. day (or week) this spring. A sub-group was formed to develop a



Front Row: Ferd Wulkan (PHENOM and MSP staff), Melissa Urban (PHENOM Exec. Ctte. and UMA Center for Educational Policy Advocacy), Stasha Lampert (PHENOM Exec. Ctte. and UMA Trustee), Max Page (PHENOM Exec. Ctte., UMA faculty, and MTA Exec. Ctte.), Ken Haar (Westfield State faculty and MSCA Exec. Bd.), Gretchen Manning (Community Colleges Executive Office), Joe LeBlanc (MCCC President and MTA HELC), Fred Clark (Council of State University Presidents). Back Row: David McDermott (UMass President's Office), Paul Toner (MTA President), Neil MacInnes-Barker (Student Advisory Council and UMB SGA), Alex Kulenovic (PHENOM staff), Bill Hart (Community Colleges Executive Office), Rep. Sean Garballey (House Public Higher Ed. Caucus), Nancy McGovern (AFSCME Council 93). Participants not in picture: Mark Dailey (Senator Rosenberg's office), Commissioner Richard Freeland (Department of Higher Education), Roz Jordan (Committee on Higher Education), Saeyun Lee (Office of Secretary of Education).

proposal for that event and to also find ways to support continuing grassroots organizing.

Another meeting was scheduled for

Jan. 13. Rep. Sean Garballey, who founded the legislature's Higher Ed. Caucus, kindly agreed to find suitable space at the State House. ■

Tsaffaras Departs DHE

Peter Tsaffaras, Deputy Commissioner for Employee Relations at the Department of Higher Education, has been tapped to be the new president of Quincy College. He was sworn in on Dec. 17.

Care Corner-Dolloff has been appointed Acting Director of Employee Relations Administration and Finance. Ms. Corner-Dolloff had previously been Director of Human Resources at North Shore Community College before she moved to the Department of Higher Education where she took over responsibilities for the HRCMS payroll system.

Tsaffaras' departure elicited mixed responses from MCCC members. For many years he had been the spokesperson for management in Day contract negotia-

tions with the MCCC and other higher ed. unions. This role had often put him in a negative light with Union members.

Tsaffaras was a principal proponent of the Optional Retirement Plan (ORP), and he had overseen the original Classification Study in the late 1990's. He was intimately involved with the complicated MCCC Classification System that came out of the Study, and anyone new coming into the job will have a steep learning curve getting up to speed.

Not only will that person have to contend with the MCCC system, but they will also have to master the systems for state college faculty and various AFSCME units. Corner-Dolloff's payroll expertise

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Peter Tsaffaras, long-time Department of Higher Ed. Deputy Commissioner for Employee Relations has left to become president of Quincy College.

(Photo by Don Williams)

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DOMA, Imputed Income, and Discrimination

By Thom Simmons
Reprinted from the *GCC Chapter Newsletter*

To date, five states - Connecticut, Iowa, Massachusetts, New Hampshire, and Vermont - along with the District of Columbia, have adopted complete Marriage Equality for their citizens. Under state law, same-sex couples enjoy all the rights and responsibilities that opposite-gender couples enjoy when entering into a valid marital relationship. We are fortunate to live in a region of the nation that has pioneered the equality movement on this subject. As a result, employees in same-sex marriages are able to add their spouses to their health insurance coverage just as any other married couple could.

Federal law is not so progressive. On

September 21, 1996, Congress enacted the so-called "Defense of Marriage Act" (DOMA), which prohibits federal government agencies from recognizing the validity of same-sex unions of any kind, even when they are authorized under state law.

This is a significant change to federal-state relationships, since Family Law issues have traditionally been decided at the state level. For instance, in Rhode Island, Alabama, and Alaska, first cousins may legally marry, while in Louisiana, New Hampshire, and Pennsylvania such marriages are illegal.

The Federal government does not take a stand on this issue: First cousins who are legally married in Alaska are recognized by the federal government as validly married, and they can submit a joint federal

Income tax. On the other hand, the Internal Revenue Service could not accept such a designation from a couple claiming marriage in Pennsylvania. In other words, the federal government normally accepts the states' definition of marriage as authoritative in the matter of marriage.

Under DOMA, however, the federal government will not consider a same-sex marriage, validly performed under state law, as a valid marriage under federal law. And that has serious federal income tax implications. What is more frustrating, however, is when our own state and employer voluntarily choose to comply with federal designations rather than following its own definitions.

When a same-gender spouse is added to an employee's health insurance policy, the federal government does not recognize that spouse as a "real spouse." Therefore, they reason, health benefits are being extended to a non-dependent, non-family member. The I.R.S. has concluded, therefore, that the value of the additional benefit to his spouse is something called "imputed income."

"Imputed Income" is a cash or non-cash benefit granted to an employee that the I.R.S. requires be added into the gross income of the employee, and taxed as additional income. For instance, if a company grants a permanent parking garage to an employee, this "benefit" is seen by the I.R.S. as additional compensation, and its value is "imputed income," above and beyond the employee's salary. This extra amount is included in the employee's W-2 form, reported to the I.R.S., and taxed.

The amount in question is no small amount. For instance, a married employee earning \$32,000 per year has a tax liability of \$3,155. However, if that employee is in a same-sex marriage, the value of the spouse's health insurance is added to the employee's gross income, so that the \$32,000 salary actually is taxed as if it were closer to \$39,000... and the employee's tax liability is \$4,710 rather than \$3,155 (a 49 percent increase in taxes).

In my personal case, GIC has determined that this year, using Harvard Pilgrim rates, my gross wages will actually be reported to the I.R.S. as if they were \$5,826 higher than my gross wages actually are to cover this "imputed income."

In addition to reporting the value of this benefit (which opposite-gender couples do not have imputed), it also means that each of my paychecks is reduced as additional federal income tax, and Medicare taxes based on this "imputed income" are deducted, even though federal tax law does not require additional withholding throughout the year.

This past year, Massachusetts Attorney General Martha Coakley brought suit against DOMA in federal court. In July, Federal District Court Judge Joseph L. Tauro struck down the law, finding that the law violated Massachusetts' right to recognize same-sex unions. He wrote:

"This court has determined that it is clearly within the authority of the Commonwealth to recognize same-sex marriages among its residents, and to afford those individuals in same-sex marriages any benefits, rights, and privileges to which they are entitled by virtue of their marital status.... The federal government, by enacting and enforcing DOMA, plainly encroaches upon the firmly entrenched province of the state, and, in doing so, offends the Tenth Amendment."

It is expected that the federal government's appeal is imminent.

The Commonwealth of Massachusetts itself brought this case against DOMA.

A Federal Judge within Massachusetts ruled that DOMA was unconstitutional.

DOMA costs the colleges, since they match employees' increased Medicare taxes based on the imputed income.

And yet, the Group Insurance Commission and our employer continues to insist that they will report health benefits as "imputed income" to the federal government, and continue to withhold additional taxes from employee paychecks even though this has never been required under federal tax law, even before Judge Tauro's ruling.

Having won its case on the merits of its argument, it would be nice if the Commonwealth, which brought the suit against DOMA in the first place, would stand up for all its citizens and refuse to participate in this discriminatory practice anymore. ■

Tsaffaras . . .

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does give her some understanding of these systems.

Commenting on Tsaffaras' departure, MCCC President Joe LeBlanc said, "I realize the mixed views about Peter, but this will present some short-term challenges with the Classification System." LeBlanc added, "He has always been helpful in resolving soon-to-be retiree issues in the State Employee Retirement System."

Tsaffaras' appointment was not without controversy. For five years he served on the college's board of governors. When President Sue Harris announced her departure last year, Tsaffaras' name surfaced as a leading candidate, but a college lawyer determined that the board could not hire a sitting member as president.

Tsaffaras resigned from the board in February, but in June the board voted 6-5 to appoint Philip Conroy, a vice president at Mount Ida College. According to the *Quincy Patriot Ledger*, Tsaffaras' supporters on the board blocked giving a contract to Conroy.

As conflict on the board dragged on for months, seven of the board members resigned, all of whom served on the original search committee. Six of the seven new members voted to support Tsaffaras for president. ■

Call for Nominations

Raymond C. Lemieux Memorial Award

Purpose

To recognize an individual whose service, leadership, and dedication have contributed significantly to the Massachusetts Community College Council.

Nominee Eligibility

To be eligible for this award, an individual must meet the following criteria:

- Service to higher education and the labor movement in the quest for improved working conditions and high standards of professional excellence.
- Demonstration of leadership in MCCC and higher education.
- Exemplification of the concerned and caring approach of Raymond C. Lemieux, much of whose life was dedicated to the betterment of faculty and professional staff.

Who May Nominate

Any MCCC Board of Director or Chapter President may nominate by completing a nomination form which can be obtained from the MCCC.

Jon G. Butler Memorial Award

Purpose

To recognize the Chapter President(s) whose leadership, acts, or support have made a significant impact on MCCC unit members.

Nominee Qualifications

Individual nominees must be current MCCC Chapter Presidents.

Who May Nominate

Any chapter president may be nominated by petition of five or more of that chapter's members; a nomination form can be obtained from the MCCC.

John A. Palmer III Memorial Award

Purpose

To recognize an adjunct MCCC member whose service, leadership, and dedication have contributed significantly to MCCC adjunct faculty, as exemplified by the life of John A. Palmer III.

Nominee Qualifications

To be eligible for this award, a past or present MCCC adjunct faculty member must meet the following criteria:

- Service to higher education adjunct faculty in the quest for improved working conditions and high standards of professional excellence;
- Demonstration of leadership in the Union and higher education, especially as it pertains to issues of importance to adjunct faculty;
- Exemplification of the concerned and caring approach of John A. Palmer III, who dedicated much of his life to the betterment of adjunct faculty.

Who May Nominate

Any MCCC member may nominate a candidate by completing a nomination form sent to the MCCC President, which can be obtained from the MCCC web site.

Nomination Process

Nominations for all awards are due by Feb. 15. Nomination forms can be found on the MCCC web site <http://mccc-union.org> in the Documents link. ■

Mindfully Addressing Our Challenges in the New Year



Joe LeBlanc,
MCCC President

- Fighting for health insurance and pensions for adjuncts
- Protecting full-timer health insurance and pensions
- Finishing the work of Day Unit Joint Workload Committee
- Implementing long-awaited salary increases in our Day and DCE contracts
- Working for uniform adjunct pay schedules and OBRA withdrawal practices
- Lobbying for better budgets while convincing the legisla-

ture to see the long-term and public good in adequately funding our colleges

- Insuring that employee complaints are handled in a fair, equitable and professional manner
- Insuring the same for member rights in our grievance process
- Forcing MassBay Community College to honor our contracts
- Urging management to abide by arbitration decisions – such wisdom would be much-appreciated
- Responding to questions raised by our 7,000 unit members
- Pausing amidst all of the above to be in the here and now.

My life is manageably hectic. Typically, I get a dozen calls everyday, at least 100 emails, letters from the MTA and NEA – our mother unions – letters from our lawyers and college lawyers and requests to visit chapters and attend Boston and Worcester meetings. Indeed, with such a sched-

Start a Chapter Newsletter

Chapter newsletters or websites are a great way to keep members informed about what's going on at the chapter level. A few chapters are doing them now, but every chapter could benefit from having one.

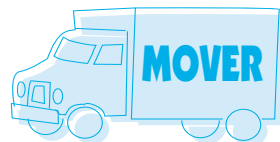
The MCCC will reimburse a chapter up to \$500/year for expenses that can include an editor's stipend. To qualify for reimbursement, the chapter must produce two newsletter issues or two revisions of a web site per semester, and they must submit copies to the MCCC Communications Coordinator for distribution to the MCCC Board of Directors.

Content may include local chapter news and events, grievance issues, MACER minutes, reports by the chapter director, columns by officers and/or members. It can be pretty much whatever the chapter wants it to be.

If you have any questions about starting a chapter newsletter, contact MCCC Communications Coordinator, Don Williams, at Communications@mccc-union.org. ■

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/>

ule it's sometimes difficult to stay in the here and now.

Last year presented significant personal challenges. My mother suffered two strokes. A beloved dog died. My wife lost her oldest friend. Then, my father died suddenly on Nov. 14. In the aftermath of my father's death, your calls and emails, visits to the wake and funeral, mass and sympathy cards, contributions to my Dad's scholarship fund and numerous acts of kindness and generosity have been grand and life affirming.

Life continues. Challenges persist. For 2011 and beyond, I look forward to working together with you on the issues listed above while pausing once in awhile to be more mindful of life's blessings and living in the here and now. Nobel Prize-winning author Wislawa Szymborska speaks to me along those lines today in her poem titled "Here".

*I cannot speak for elsewhere,
but here on Earth we've got a fair supply of everything.
Here we manufacture chairs and sorrows,
scissors, tenderness, transistors, violins,
teacups, dams, and quips.*

*There may be more of everything elsewhere,
but for reasons left unspecified they lack paintings,
picture tubes, pierogies, hankchiefs for tears.*

*Here we have countless places with vicinities.
You may take a liking to some,
give them pet names,
protect them from harm.*

*There may be comparable places elsewhere,
But no one thinks they're beautiful.*

*Like nowhere else, or almost nowhere,
you're given your own torso here,
equipped with the accessories required
for adding your own children to the rest.
Not to mention arms, legs and astounded head.*

*Ignorance works overtime here,
Something is always being counted, compared, mea-
sured,
From which roots and conclusions are then drawn.*

*I know, I know what you're thinking.
Nothing here can last,
since from and to time immemorial the elements hold
sway.*

*But see, even the elements grow weary
and sometimes take extended breaks
before starting up again.*

*Wars, wars, wars.
But there are pauses in between them too.
Attention! – people are evil.
At ease – people are good.
At attention wastelands are created.
At ease houses are constructed in the sweat of brows,
and quickly inhabited.*

*Life on Earth is quite a bargain.
Dreams, for one, don't charge admission.
Illusions are costly only when lost.
The body has its own installment plan.*

*And as an extra added feature,
you spin on the planet's carousel for free,
and with it you hitch a ride on the intergalactic blizzard,
with times so dizzying
that nothing here on Earth can even tremble.*

*Just take a closer look:
the table stands exactly where it stood,
the piece of paper still lies where it was spread,
through the open window comes a breath of air,
the walls reveal no terrifying cracks
through which nowhere might extinguish you.*

translated by Clare Cavanagh & Stanislaw Baranczak

Retirement Incentives

With public pensions being under attack, there is little likelihood of an early retirement bill such as was passed by the legislature twice in the past decade.

However, full-time MCCC members should be aware that there is a long-standing provision in the collective bargaining agreement that does provide an incentive for retiring before age 65. The incentive is available to other state employees as well.

Retirees who give one-year notice of retirement are eligible to receive a payment of between 3 and 30 percent of their annual salary depending upon their age and date of retirement. A member needs to be a member of the state retirement system for at least 10 years and be at least 55 years old. It is unclear whether faculty in the ORP are eligible, but it is arguable that it would apply.

As an example, a 63 year old member who retires between May and August could receive 15 percent, but that same person retiring between December and April would receive only 5 percent. There is a range of retirement dates, and some are impractical for faculty but all would work for professional staff.

The provision is covered by Article 9.04 in the contract (page 29 of the 2006-2009 printed contract). There is also a Memorandum of Agreement that adds options to the provision if a college chooses to offer them. The MOA is on page 119.

The contract is available on line at the union website <http://MCCC-union.org>. ■

Your PAC Needs Your Help

The MCCC Political Action Committee – MCCC PAC – has been very effective over the past few years in advancing the issues of community college faculty and staff on Beacon Hill.

But political stature does not come without cost. Your PAC has made many contributions in the last election cycle, and it is important for all members to give their financial support, so that the PAC can continue to support you.

The PAC has been very active in this contentious election year. It is important that the MCCC PAC resources are kept at a level sufficient to fulfill its mission. Please contribute to keep us strong.

Individual members and MCCC chapters can contribute up to \$500 annually.

Thank You,
PAC Co-chairs
Thelma Halberstadt and Frank Leary.

Send your checks payable to the "MCCC PAC" to
MCCC Political Action Committee,
27 Mechanic Street, Suite 104,
Worcester, MA 01608

