

MCCC News

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Activists Push for Justice in ORP, Contract Funding Bills

MCCC members from Berkshire to Cape Cod ventured to Beacon Hill on Oct. 4 to testify before the joint Public Service Committee on bills of special importance to higher education.

The principal focus was on Senate Bill 1912, which has already passed in the Senate as an amendment to the pension reform bill that is moving through the chambers. The SB1912 would allow ORP-enrolled employees a one-time opportunity to transfer to and buy back service credits in the State Employee Retirement System (SERS).

The ORP is a 401k-type of defined contribution plan that was instituted in 1996 for faculty and some administra-



MCCC members testified about problems with the Optional Retirement Plan (ORP) before the Public Service Committee at the Statehouse. From left Marie Canaves, Cape Cod; Wayne Klug, Berkshire; Karen Default, Quinsigamond, and Vice President Donnie McGee pictured giving her presentation. (Photo by Don Williams)

tors, who, it was assumed, often move from one institution to another and who would benefit from a more portable retirement plan than the SERS. About one third of MCCC faculty are currently enrolled in the ORP. The bill would not negatively affect people who continue to participate in the ORP.

At the time ORP came into effect, it was made available for new faculty or for any faculty member who was not yet vested in the SERS. A participant is vested after 10 years of creditable service in the SERS. At the time the stock market was doing well and when members had the opportunity to change they were pre-

sented with slick promotional materials and eager representatives of the private investment firms. There was very little information presented about the SERS and much of it was incorrect.

Three MCCC members who are enrolled in the ORP were joined by Vice President Donnie McGee, who coordinated the lobby day, into one panel to testify to the committee members.

Karen Default [of Quinsigamond] testified that, prior to teaching at Quinsigamond Community College, she had worked 19 years under Social Security at UMass Medical Center. When hired at QCC and faced with the choice of joining

"Mark Your Calendar"

October 19
MCCC Fall Conference
4:00-9:00 P.M.
Courtyard by Marriott
Marlborough, MA

October 28-29
MTA Higher Ed. Conference
Crowne Plaza
Natick, MA

the ORP or the State Employees' Retirement System (SERS), her Human Resources office provided almost no information about the SERS. She was never told that she could buy back prior years of public employment to increase her SERS pension. Most information about her retirement options came from the representatives of the ORP providers. She was specifically given incorrect information. Dufault was told that, unlike with the SERS, enrolling in the ORP would not reduce her Social Security through the GPO/WEP offsets. This is not true if one retires from the state. The SS offsets are affected regardless of the retirement plan a state employee chooses.

Wayne Klug from Berkshire testified that when he was first hired he was told that the SERS was on the verge of bankruptcy and that the ORP was the better choice. He was told the layoffs from the college were possible in the near future and that the ORP was portable to other

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Arnesen to Headline MCCC Fall Conference

The MCCC Fall Conference on Oct. 19 will feature as keynote speaker Deborah "Arnie" Arnesen. Her presentation is titled: "A spine is a terrible thing to waste or Why I, too, am a knee jerk liberal." She will also conduct a workshop titled "Mind the Passion Gap how to re-frame the anger...your 'to do' list."

Arnesen was a candidate for U.S. Congress, 2nd District of New Hampshire, 1996; Democratic gubernatorial nominee, State of New Hampshire, 1992; Member, New Hampshire House of Representatives, 1984-1992; Executive Director, The WISS Institute for Public Policy Research, 1994-1996. Ms. Arnesen has been a New Hampshire elected official and community activist for over fifteen years.

Most recently, she was a candidate for the 105th U.S. Congress from New Hampshire's Second District. In 1992, Ms. Arnesen became the first woman to be nominated by a major party to run for governor of New Hampshire; she garnered more votes in this race than any other Democratic candidate in state history. Prior to her gubernatorial bid, she was a four-term New Hampshire State Representative.



Political commentator Arnie Arnesen will be the keynote speaker at the Oct. 19 MCCC Fall Conference.

Ms. Arnesen has also served on the boards of Common Cause, Leadership New Hampshire, and the New Hampshire Sierra Club. Ms. Arnesen received a B.A. cum laude from St. Olaf College, and a J.D. from the Vermont Law School. She has been a visiting scholar at Harvard University's School of Public Health.

Conference Workshop Highlights will include:

- Mind the Passion Gap-Political Action with Arnie Arnesen
- DCE-OBRA retirement with Great West representative
- Day, Full-time retirement session with Ed McCourt
- Distance Ed-Dealing with changing systems
- Day Contract Classification - How it works. ■

Day Contract Grievance Report

MCCC Grievance Coordinator Dennis Fitzgerald made his fall report to the MCCC Board of Directors at their September meeting. This report focused on



MCCC Day Grievance Coordinator Dennis Fitzgerald delivered his fall report to the September MCCC Board of Directors' meeting. (Photo by Don Williams)

Sexual Harassment

Last summer and beginning of this fall there has been an increasing number of sexual harassment/discrimination allegations by students against faculty members across the state. This summer three cases arose at Quinsigamond. This fall there are three new cases at Bunker Hill and one new case at Cape Cod. These are complicated cases and can seriously affect unit members' careers.

Fitzgerald explained trends arising from the specific cases. Colleges are prosecuting these cases aggressively, but many times the accusations are questionable, yet the unit members are treated as guilty. The employer typically places the accused unit member on paid administrative leave immediately, pending an investigation that may take months. Members accused of sexual harassment should seek union assistance immediately.

MTA Consultants Katie D'Urso and Miles Stern have developed a training presentation regarding the rights and responsibilities of MCCC bargaining unit members under the current affirmative action policy. They have presented this training at Quinsigamond and would be

happy to present it at any other chapter that would like to invite them.

Weingarten Rights

Fitzgerald urged that all MCCC unit members be made aware of their rights to representation during an investigatory interview. The guarantee of these rights came from a 1975 Supreme court decision in *NLRB vs. J. Weingarten, Inc.*, and it set out the parameters under which a union member is entitled to representation.

Weingarten Rights apply under the following conditions:

Where the member has a reasonable expectation that discipline may result.

Where the purpose of the meeting is to investigate allegedly inadequate work performance or misconduct.

Where the purpose of the meeting is to elicit facts to determine whether or not discipline is warranted or to support a disciplinary decision.

Where a member is required to explain or defend his/her conduct, which could affect his/her working conditions or job security.

In all of the above, a unit member must request a union representative to be present

in order to invoke Weingarten Rights. The employer does not have the responsibility to ask if the unit member wants a union representative present. If the employer does ask if you want a representative present, Fitzgerald absolutely recommends that you do so.

A unit member normally must assert their Weingarten Rights, and the MTA and MCCC have produced cards for members to keep in case they ever need to assert their rights. ■

Weingarten Card

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative or grievance officer be present at this meeting. Until my representative arrives, I choose not to participate in this discussion."

2012 MCCC Elections Nominations Now Open

Nominations will open on line at the end of October for MCCC officers, At-Large Directors, Delegates to the MTA Annual Meeting, and Delegates to the NEA-RA through the website <http://mccc-union.org>. Nomination forms will be printed in the MCCC News November and December issues.

Nominations will close at 4 p.m. Thursday, Feb. 2, 2012. Ballots will be mailed to all MCCC members on Feb 26. The deadline for returning ballots is 4 p.m. on Thursday, Mar. 22. Election results will be announced by Monday, Mar. 26.

MCCC President, Vice President, Treasurer, and Secretary

Candidates for these offices must submit signatures of 50 union members to submit with their nomination forms. They may be full- or part-time members, but they cannot be agency fee payers. The signature form is available on the MCCC website. Officer candidates will have the opportunity to submit a 250-word statement with an accompanying photo for the March issue of the MCCC News.

At-Large Part-time/Adjunct Directors

These two new positions will be elected annually by the part-time/adjunct union members. Candidates will need to solicit signatures of 10 union members to submit with their nomination forms. They may be full- or part-time members, but they cannot be agency fee payers. The signature form is available on the MCCC website. Director candidates will have the

opportunity to submit a 250-word statement with an accompanying photo for the March issue of the MCCC News.

Delegates to the MTA Annual Meeting

- **Stipend:** The MCCC provides a stipend of \$50 dollars per day to delegates who attend the meeting.

- **Hotel Room:** Delegates who are on the ballot and who live more than 25 miles from the meeting are entitled to a double occupancy hotel room at the convention hotel, arranged by the MCCC, for Friday

night. Write-in candidates will be accommodated on a space-available basis.

Election Waiver for Candidates for MCCC Delegate to the MTA Annual Meeting

If the number of certified candidates for MTA delegate is less than or equal to the number permitted, then those candidates are deemed elected. A ballot process will be conducted to permit write-in candidates for non-filled slots and to be named as successor delegates.



Members of the MCCC Executive Committee and office staff posed for a photo. Front row from left, President Joe LeBlanc, Treasurer Phil Mahler, Communications Coordinator Don Williams. Back row, office staff Angela Perno and Edy Stoddard, at-large members Candace Shivers and Claudine Barnes, Vice President Donnie McGee, and Secretary Gail Guarino. At-large member Rosemarie Freeland attended by conference call. (Photo by Phil Mahler's camera)

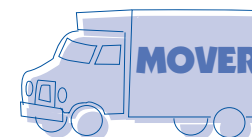
MTA Annual Meeting Friday, May 11 and Saturday, May 12, 2012 Boston, MA

Delegates to the NEA Rep. Assembly

The MTA provides a stipend of \$300. The MCCC provides additional reimbursement support of \$800 to the top 15 candidates. MCCC reimbursement requires receipts and proof of conference attendance as provided by the MTA.

NEA-RA and Annual Meeting June 30 - July 5, 2012 Washington, D.C. ■

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
[mccc-union.org/](http://mccc-union.org/ChangeMyAddress/)
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Forging Alliances Begins with A Simple Hello



Joe LeBlanc,
MCCC President

Senate Bill 5 will strip Ohio's public workers of collective bargaining rights if it is allowed to become law. Thousands of volunteers have responded by collecting a million signatures to send this issue to the voters.

Please check out

WeAreOhio.com today and find a way to contribute. Our future depends on it.

In confronting our challenges at work and in life, we're in this together. We have potential allies in Wisconsin, Ohio and anywhere people are seeking justice. Locally, this includes our full- and part-time faculty and professional staff, of course. But let's not overlook classified staff and their AFSCME union. They're fighting the same attacks on their salaries and working conditions and the never-ending nibbling away at health insurance and retirement benefits.

Students are natural allies. They're paying higher fees, taking out loans to finance even community college (insert moral outrage of your own choosing here!) and are working multiple jobs to survive.

Your local campus police are natural allies. They're working long hours for little money and rotten benefits. They may not be organized - this is not their fault; union organizing campaigns are difficult - but they are a part of the fabric of our colleges and can be excellent sources of information on campus.

Food service workers are natural allies. Their jobs have been privatized and these workers frequently aren't organized,

but this can change. These men and women work for less than a living wage. They serve us food. They support our students and colleges. They live in our communities. They vote. They, too, can join us in the struggle if we open our minds to possibility that change happens when like minded people band together.

A labor struggle at Harvard University illustrates the power of alliances in fighting for justice. SLAM, the Student Labor Action Movement, recently helped dining services negotiate a better contract in the "Sustainable Food and Sustainable Jobs Campaign." Before their latest contract, the dining services management increased its use of processed ingredients in food preparation. An Eggplant Parmigiana entree was prepared with frozen foods and a microwave instead of making it from scratch with local, sustainable ingredients. Students weren't happy with the food. The workers weren't happy serving it. They knew they could do better.

Workers' jobs were equally unsustainable. Layoffs hit workers at the end of each academic year. Students went home. Dining services cut back hours. Workers weren't eligible for unemployment benefits because of a "reasonable assurance" of returning to work in the fall. Catering work was available over the summer, but the university outsourced this work to save money.

After months of negotiations - the union's tactics surprised management; the SEIU local held rallies with campus allies and even invited students to serve on their negotiations team - the union won major concessions. Workers now have first refusal for summer work. Fewer workers must find second jobs over semester breaks.

Workers are happier. The food has improved. Fighting together to raise aware-

ness of the importance of providing sustainable food served by workers who earn a living wage, SLAM and the union showed how alliances foster change.

Unions alone can't transform the world alone. At Yale University, clerical and trades workers are working with an alliance of church and community groups to transform New Haven. Union-backed candidates recently won a majority of seats on the Board of Alderman. The city no longer supports measures hostile to workers. The

city and university are forging a healthier relationship. The coalition's efforts to organize natural allies is making a difference.

The Commonwealth remains a mostly friendly state towards organized labor, but losses in Wisconsin and Ohio show how easy it is to lose our rights. Forging alliances with marginalized workers makes us all stronger. Starting is easy. Just look that potential ally in the eyes and ask "So, how are you doing today?" ■

More Promotional Opportunities

Dear Editor:

Enclosed please find my check for \$100,000 to be used as seed money for your idea of Promotional Professors. What a great idea! I am already planning on developing my Study Guide for my classes that I will publish and require of my students (at a substantial markup). Why not list our hair stylist and clothier at the end of each class? (should be worth a free haircut or shirt) We can set up a web page for disseminating class information and sell space to advertisers. We can do product placement in our assignments. A math problem could start with: "A cup of coffee at Dunkin Donuts...". We could conduct extra study sections at a local bar and get a kickback from the manager. Since my college has already contracted out certain health courses (which cost about 50% more than our regular courses) why don't we simply charge more for courses where the pass-rate is higher. I am sure students will pay more for classes where an A is a good likelihood. Teachers of those course would be paid more. The possibilities are endless. I look forward to our first million.

George Medelinkas
Northern Essex Community College

Selling Out

Dear Editor,

The report on the MTA's Annual Meeting in the Summer issue of the MCCC News, Massachusetts Community College Council's newsletter, reveals the MTA's capitulation to the ruling class' war on students and teachers. This is epitomized by the description of guest speaker Barry Bluestone's "new paradigm" of "unions working cooperatively with management to increase quality". In my opinion, there's nothing new about this paradigm. It's as old as the union movement itself, and its real name is selling out.

If management (the education bureaucracy) were interested in increasing quality of education across the board, why are 50% (or more) children in all the major cities of the US failing to graduate from high school? Why are budgets being cut, particularly for inner city schools, increasing class size, leaving school buildings in disrepair, and laying off teachers and other essential school personnel?

Management is interested in increasing quality for a small percentage of public school children, mainly white and privileged, with the goal of increasing US competitiveness. The vast majority of children, black, Latino, and working class whites, however, are being contemptuously tossed aside. Through programs like Bush's "No Child Left Behind" and Obama's "Race to the Top", Ed Reform has been implemented under the direct supervision of the Federal Government, Republican and Democratic alike. These programs use privatization schemes like Charter Schools to break the teachers' unions, which tend to obstruct the anti-teacher, anti-student reforms. They also use standardized testing as a weapon to stratify students into those who will be allowed to succeed and those who won't and to blame teachers for student failure.

We, in public higher ed. need to see these attacks in the public schools as a dire warning for what is ahead for us. The public schools, from Kindergarten through college, are cogs in the machine that serve the super-rich and powerful by preparing the next generation to serve a militarized, unequal economy in crisis. The interests of teachers and students is to fight for quality education for all. By pretending to represent our interests, the MTA sets us up for the kill.

Sincerely,
Ruth Kiefson
Secretary for the MCCC chapter at Roxbury Community College

Know Your Day Contract

October 2011

Oct. 26 Accrued professional staff vacation time in excess of 64 days (480 hours) converts to sick time. This now occurs twice per year, falling on the end of the last pay period of April and October p.20.

Oct. 30 Last day to opt out of sick bank p.18.

(Note: membership in sick leave bank is automatic upon first October of a member's employment.)

November 2011

Nov. 11 Veterans Day holiday.

Nov. 21 Unit Personnel Practices Committee established p. 38.

Nov. 24-25 Thanksgiving Holiday.

Nov. 25 Professional Staff must use one of the three off campus days p. 46.

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 are from the 2010-2013 Collective Bargaining Agreement, which is being distributed on campuses this semester. It is also available on line at mccc-union.org. ■

KNOW YOUR DCE CONTRACT Fall 2012

Salary Increase-January 2012

DCE faculty will receive a 3.5% salary increase pursuant to the terms of the collective bargaining agreement. The DCE per credit salary schedule is as follows:

Step 1	\$889
Step 2	\$952
Step 3	\$1023
Step 4	\$1,075

DCE faculty will move from salary Step 1 to salary Step 2 upon teaching the sixth class and move to Step 3 upon teaching the eleventh class. Step 4 is effective upon attaining 8 years of seniority at the college. New faculty at the college would normally start at Step 1, but may start at Step 2 or 3 of the salary schedule based on degrees, qualifications, and experience. Mem-

bers are encouraged to become familiar with the schedule so that any error can be easily addressed.

Unit members compensated on an hourly basis shall receive a 3.5% increase to their current hourly rate for assignments effective January 2012.

The laboratory component of a course will be paid at the rate of 1.5:1 (1.5 contact hours per week during a regular semester = 1 credit salary).

Reappointment Rights and Seniority

Reappointment rights are effective after teaching five courses over three consecutive fiscal years at the college. These courses do not have to be in the same department. Teaching two or more courses per year in a work area at the college earns one-year seniority. One course in one area and

one course in another area in a year provide one-year seniority in each work area. Loss of accrued seniority results after a two-year break in service at the college. Canceled courses do not count toward a break in service.

Appointment

Faculty with reappointment rights will be provided a Teaching Availability Form. This is to solicit teaching preferences and time availability for the next semester. The form is usually sent and/or submitted electronically. It is important to check your college email and become familiar with the system used at your college. The college will assume that you are not interested in teaching if the form is not returned in a timely manner.

A tentative appointment for one course shall be assigned first to those

unit members with the longest seniority. You should, under normal circumstances, be notified of your assignment five weeks prior to the beginning of classes. You should be given a contract indicating the course(s) and salary to which you have been assigned. Your course must run in the event that an administrator who hires, fires, or evaluates DCE faculty is teaching a course in DCE.

The DCE Collective bargaining agreement is available on the MCCC website

<http://www.mccc-union.org/> or a copy can be obtained from your local MCCC chapter.

If you have any questions on the DCE contract, call DCE Grievance Coordinator Joe Rizzo at 603-898-6309 / Grievance-DCE@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

MCCC to the Statehouse . . .

Continued from front page

employers unlike the SERS. And he was told that it would not affect the Social Security benefits he has accrued from previous private employment. Now he regrets that decision because, "I can't see how I can afford to retire."

The most moving testimony was by Marie Canaves from Cape Cod. She said that she started in 1987 and the only retirement plan was the SERS. She was in a domestic partnership and without marriage she could not leave her pension to her partner, so when the ORP became available in 1996, it was a way to assign her ill partner as a beneficiary. It was a riskier choice, but it was the only way to provide for her partner.

When same-sex marriage became legal in Massachusetts in 2004 the situation completely changed for Canaves and her partner, but because the selection of the ORP was irreversible, their retirement planning could not adapt to the change. She told the legislators that her partner died in 2006.

Canaves said that her ORP statement shows that she has \$170,000 in her account. Using the online calculator provided by the vendor, and assuming she has the average life expectancy of a white female, she said it told her she could expect a pension benefit of \$7391 per year.

"Choosing the ORP was the biggest mistake I ever made," she said. "I literally wake up at night worrying about how I'm going to make it." With her 25 years in the system and presuming a hypothetical minimum age 55 for retirement, a person in the SERS would have a benefit of 37.5 percent of their salary. Given the average MCCC salary of about \$57,000 this would equal a pension of \$21,375—not a lot, but a lot better than \$7,391.

Two other panels from UMass and the state universities testified in support of S. 1912. A consistent theme was that newly hired faculty were told by various

people including Human Resources staff that, "everyone chooses the ORP." One speaker said, "It was the [recommended] thing to do." Again, everyone said there was very little information presented for the SERS, and that they saw no way that they could afford to retire.

Rep. John Scibak (D-S. Hadley), the house chair, was obviously moved by Canaves' testimony, and agreed that there were problems with the ORP enrollment, but he said a big concern about problems with the Internal Revenue Service that may have significant tax implications for ORP participants who convert to the SERS.

McGee told the committee that MTA hired tax consultants to address these concerns, and their opinion was that transferring from one tax-sheltered plan to another would not cause a problem. But Rep. Scibak pointed out that the consultants aren't the IRS, and that the IRS won't render a decision prior to passage of a law. This left a conundrum hanging in the room.

When asked why can't the unions advise their new members, McGee emphasized that the union is trying to work with the department of Higher Education to provide a more thorough retirement orientation to new hires. It is their responsibility to do this. She added, "We often don't get to see the new hires until they've gone through HR and already made their choices."

During the public testimony Rep. Ellen Story (D-Amherst), and Rep. Cleon Turner (D-E. Dennis) came in between their own committee activities and testified in support of the bill. Rep. Jay Kaufman (D-Lexington) and Rep. David Sullivan (D-Fall River) hand delivered written testimony of support.

Although no one spoke against the bill, lobbyists for ORP vendors were seen at the back of the auditorium.

Contract Funding Reform

Another bill related to higher ed., HB

2981, was also on the agenda. This is a new version of a bill MCCC has been pushing for the last two legislative sessions that would send contract funding bills directly from the DHE to the legislature. MCCC President Joe LeBlanc explained the current situation where the governor has "three bites of the apple" that has severely impacted contract funding in the past.

LeBlanc explained how the contract funding process for higher ed. employees differs from the process for other state employees. Under the current wording of Chapter 150E (the public collective bargaining law) the governor can refuse to give the employer (The Board of Higher Ed.) contract financial guidelines at the start. The first bite.

The second, and most significant bite, is that after negotiating an agreement, the governor can refuse to submit a contract to the legislature for funding. LeBlanc cited the 2002-2003 MCCC contract extension—when Gov. Romney refused to fund the agreement negotiated under his predecessor.

Finally the governor gets a third bite when a funding bill from the legislature comes to the governor's desk for signing. The governor can veto the funding at the end. "Because of this history," LeBlanc said, "our members have lost faith in the collective bargaining process."

LeBlanc said "Chapter 150E is not working." The process has caused higher ed. Employees to work with no raises for half of the last 25 years. He said, "Negotiating a good contract with a decent salary and benefits for our members is hard enough. I urge you to report out this bill favorably today and begin to provide long overdue justice for our members."

It was a long day at the Statehouse, but in the end attendees felt that the day had gone well and left the building feeling that there is hope for solution to these issues, but the battle is far from over. ■