

MCCC NEWS

The Official Publication of the *Massachusetts Community College Council* / Volume 3, Issue 8 / May 2002

April At The Statehouse

Tuesday April 9th about 400 students, faculty, and administrators, including some community college Presidents, bussed to Beacon Hill to urge legislators to reconsider cutbacks in funding to the commonwealth's community colleges.

Two very articulate student spokespersons, and President Carole Cowans of Middlesex Community College, and Phil Mahler of the MCCC all spoke in turn reminding legislators of the critical services community colleges play to local economies and urging reconsideration and more funding of the colleges' pending 2003 budgets.

A petition with 1500 signatures was carried to senators and representatives by students from their respective districts, urging restoration of funding by whatever means necessary.

...students, faculty, and Presidents...urge legislators to reconsider cutbacks in funding...

Union members urged the maintenance and restoration of revenues to previous levels as a partial solution. Perhaps because of the delicacy of the underlying political and tax issues administrators were less direct about suggesting tax adjustments were the solution to the existing and threatening budget crisis.

On April 25th, another higher education rally at the State House is planned. This time the MTA will fund busses from the state and community colleges. The 25th date was originally designated as "UMass day" in Boston, but a decision was made to combine forces from all the state's public higher education institutions, hoping to levy more influence with Beacon Hill leadership. ■



MCCC President Phil Mahler address Community College Day at State House Rally



Representative Arthur Broadhurst, Chair of House Committee on Science and Technology meets delegation from NECC



Two STCC Faculty facing layoffs. Professors Davis Johnson and Marcia Blanchette at State House April 9



Freshman Senator Steve Baddeur of Methuen meets with constituents

MCCC 2002 Elections

There were no surprises in the MCCC 2002 elections that concluded April 5th. Voting returns were predictably low, only 495 ballots, as all four candidates for office were uncontested.

Ballots that were returned may have been prompted by low level campaigning of candidates wishing delegate slots at the NEA-RA in July in Dallas, Texas, and the MTA Annual Meeting in Boston, May 17 and 18. MCCC member Cathy Boudreau is running for President of the MTA. If elected he will be the first President of the MTA from higher education.

Rick Doud of Middlesex Community College won the presidency. Rick, an Economics professor and long term MCCC leader, currently serves as MCCC Vice President. He has experience as an MCCC negotiator, and served two terms as the Director from Middlesex.

Joseph LeBlanc won the MCCC Vice Presidency. Joe is a Journalism and English professor at Northern Essex Community College. Le Blanc had served as a Director from NECC, and currently serves as Co-chair of the Strategic Action Committee, a key committee in recent years with the funding of the classification study and the threats to budgets resulting from the Commonwealth's budget crisis. LeBlanc placed second in the 2000 elections in a bid for the MCCC presidency.

Continued on Page 2

NON-PROFIT ORG.
U.S. POSTAGE
PAID
Permit No. 82
Worcester, MA

MCCC / MTA Newsletter
Post Office Box 376
Auburn, MA 01501-0376

Call for Committee Member Volunteers

Dear MCCC Unit Member,

This organization needs the participation of its most talented members if it is to meet the challenges it faces. I ask you to give special thought at this critical juncture in the MCCC's history to volunteering your services to the MCCC. You need a strong union - and we need you to make that happen. Please don't assume your colleague will volunteer - he or she may not.

The following are three key MCCC committees. All MCCC committee appointments are for two years and start in September. Committee members must be approved by the Board of Directors.

Personnel Committee: Five Members

- Develop and periodically review job descriptions and annual performance evaluations for MCCC Coordinators and other employees and present its recommendations to the Executive Committee and the Board of Directors.

- Review periodically rates of compensation for MCCC Officers, Coordinators, and other employees and present its recommendations to the Executive Committee and the Board of Directors.

- Develop, maintain, and recommend revisions of the personnel policies of the organization.

Finance Committee: Treasurer and Five Additional Members

- Prepare a balanced budget which reflects the program objectives and goals of the organization and identifies all revenue and expenses.

- Recommend the amount of annual dues.

- Administer, maintain, and recom-

mend revisions of the financial policies of the organization.

- Monitor the fiscal affairs of the organization to maintain awareness of trends or patterns in financial matters and to advise the Board of Directors on courses of action.

- Review capital expenditures and either approve them or recommend their approval to the Board of Directors, as consistent with organizational policies and practices.

Bylaws and Rules: Five Members

- Make a report at the March meeting of the Board of Directors and subsequently make recommendations to the Delegate Assembly for action by the delegates.

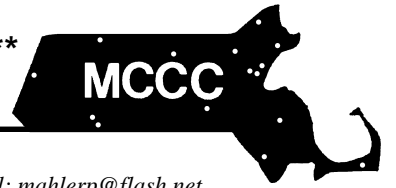
- Receive proposed amendments to the Bylaws and Rules of the Council for its review and recommendations.

Please contact me if you would be willing to serve on one of the committees described above. Without a strong pool of applicants this organization will not be able to meet your expectations. Let me know if you would allow yourself to be considered for a committee - a specific one or if you would be willing to serve where we need you. Something about your background would help; if you bring special expertise please let me know - from word processing to managerial experience. Contact Phil Mahler with your phone number or email address, at: fax: 978 287 0141; tel: 978 369 1972; email: mccc@tiac.net; mail: Committee Appointments, MCCC, Post Office Box 376, Auburn, MA 01501-0376. Also contact me if you have questions about serving.

Phil Mahler
MCCC President ■

FOR IMMEDIATE RELEASE

April 9, 2002



For additional information:

Contact Philip Mahler, President, 978-369-1972 or E-mail: mahlerp@flash.net

Remarks by Philip Mahler, President, Massachusetts Community College Council, at the State House, Boston, April 9, 2002:

We are here today to help preserve public higher education for our younger brothers and sisters, our children, and ourselves.

We have a system of community colleges we can be proud of. Excellent teachers, excellent programs that meet the needs of Massachusetts workforce needs, small class size, nice campuses... If it weren't for us these things would only be available to the well off - and that isn't most of us.

Everyone agrees that you need some college to compete in the marketplace today. So most citizens of Massachusetts need our community and state colleges, and our university.

And everyone agrees that industry looks for a trained workforce. So the economy of Massachusetts needs our community and state colleges, and our university.

Public education is an investment. When you cut public higher education, you are eating your seeds instead of planting them. Even when the sun shines again, you won't have anything to harvest.

Our public institutions cannot speak to the issue of how to pay for public higher education - but I can. I'm the president of a union. I am the voice of my members.

Legislators ask how we can afford to restore public higher education funding. The answer is to restore state tax revenues. Freeze or rollback the income tax reduction. Cut the personal exemption in half. Increase the gasoline tax by a nickel.

Don't tell me that cutting taxes is the answer. Remember that the economy went south while we were cutting taxes! While we were cutting our savings plans for hard times, like now.

I don't ask you to remember these details as you meet your legislators. I do ask you to remember to support a better tax plan than we currently have. Those of us who are working, and who are earning good incomes, need to help out. We want to help out.

So please remember

- Our fellow citizens need our community colleges

- Our state economy needs our community colleges

- Tax cuts haven't helped our economy - higher education helps the economy in today's world.

- You support restoring sensible tax levels - We all need to reach in our pockets and make a contribution to our overall well being. ■

Visit the MCCC Website

<http://www.tiac.net/users/mccc/>

The MCCC website is the best and most up-to-date source for late breaking developments. Additional documents of interest and import to Day and DCE unit members have been added.

The MCCC Webpage is a valuable resource for MCCC updates, job opportunities and linkage to the NEA and MTA resources available to MCCC unit members. Calendars of MCCC meetings, and committee assignments may be found there. Bookmark the site for frequent referral. ■

The Adjunct Faculty Pay Debacle

Contributed by: Colin S. Cavell, Holyoke Community College

Classes at Holyoke Community College commenced on January 22, 2002. On January 24, 2002, a memo was issued by Cliff Williams, Vice President of Continuing Education & Community Services, to all DCE (Day Continuing Education) & Evening Faculty that though our first paycheck would normally be issued on February 15, due to the implementation of new software and conversion to a new payroll system that our first paycheck would not be issued until March 1, i.e. nearly six weeks after we (i.e. the adjunct faculty) began our employment.

Because of the many complaints we received, Scott Oury and I (DCE grievance coordinators at HCC) met with Cliff Williams in early February to voice our concerns. Mr. Williams informed us that the software conversion was the principle cause of the delay, and that full-time faculty and staff had to be entered into the system first, as they form "the core" of the college, and that there just was not enough time to enter adjunct faculty into the new software payment system. Saying the he was "surprised" to hear of our complaint, Mr. Williams noted that no one else had voiced a complaint to him about the delay of six weeks in being paid.

While a six-week delay in payment of wages may not appear to be a burden to an administrator who is paid bi-weekly and at many times more than an adjunct faculty member, it has been tremendously hard on adjunct faculty, many who had to live on credit for over a month and one-half, that is, at least six weeks, trying to hang on until the March 1 pay day. Attempting to clarify the

standing of adjunct faculty with state law, a complaint was filed with the state Attorney General office of the Commonwealth of Massachusetts to see whether adjunct faculty are covered by the provisions of Chapter 149, Section 148 of the Massachusetts General Laws, which indicates that workers are to be paid their wages either weekly or biweekly; but

In no event shall wages remain unpaid by an employer for more than six days from the termination of the pay period in which such wages were earned by the employee.

Whether this test case yields any clarity regarding the status of adjunct faculty members at HCC or not, the six-week delay in paying adjunct faculty members our wages is just another indication that adjunct faculty are not considered central to the mission of the college; we are not the "core" and, hence, the first to be subject to dismissal, delay in payment of wages, and categorically marked off for denial of benefits. Morally, it is wrong and, as a matter of personnel relations, it is reprehensible.

On March 4, we received a reply from the Attorney General's Fair Labor and Business Practices Division office giving us permission to take this case to trial, waiving the 90-day waiting period after filing a complaint with the Attorney General's Office for such cases. At this point, the MCCC is awaiting a decision by our affiliate union, the MTA, to decide whether to pursue this case, as MTA lawyers and political and financial commitment would be required to take this case all the way to the Massachusetts Superior Court if necessary. ■



Research Coordinator, Hillaire Jean-Gilles



DCE Grievance Coordinator, Joseph Rizzo



Day Grievance Coord., Dennis Fitzgerald

MCCC Elections...

Continued from Page 1

Phyllis Barrett returns for a fourth term as MCCC Secretary. Barrett is an English professor at Holyoke Community College.

Phil Mahler, currently serving his first term as MCCC president, will slide over to the Treasurer's chair. Mahler, a Math professor at Middlesex C.C. chose not to run as MCCC President to devote himself more fully to his term as president of the American mathematical Association of Two Year Colleges (AMATYC), an national organization devoted to the improvement of Mathematics instruction in two year colleges. Mahler will also continue to be webmaster for the excellent MCCC website he created. ■

President's Message

Parting Thoughts



Philip Mahler,
MCCC President

As I write my last column as your President, I offer some parting thoughts. They are disconnected, but that makes it easy to skip one or more. Here goes ...

Our union, as well as our profession, is changing. Most community colleges were founded in the sixties - a large national movement at that time - and our most senior members were here for that. But they are leaving in large numbers. Junior faculty tend to not be connected to our institutions in the same way as the founding mothers and fathers. It's not as visceral - can't be. The same is true for the MCCC membership. Although many of its founders are still around, most have moved on. And our newer MCCC members don't feel the same connection with the MCCC as many of us do. I don't know what is popular in music today, and I don't know where our newer members will take this union. I just hope they become active and take it somewhere!

I just came back from the Teaching & Learning Conference at Holyoke CC, of which the MCCC is a sponsor. I attended some great sessions. At one, I heard some professional staff relating how they have been working with faculty in the classroom - an intervention strategy to promote retention, and I applaud the effort. But my point here is that they all said they have discovered how hard it is to be a faculty member. Poor attendance, life's crises with our students, lack of motivation, homework not done... faculty work hard to overcome these obstacles and educate our students. One of the professional staff found themselves saying they wondered that we retain as many as we do! And by the way our retention rates, at least in remedial courses with which I am familiar, seem to be at the top of the national norms. I'm glad this recognition of what faculty do occurred. And I'll add that faculty need to recognize the work that our professional staff colleagues do, too. We are all community college educators.

Our union is not a miracle worker. Statewide events will drive what happens to us. The MCCC works to color what happens, turn it in the right direction when

possible, seize opportunities, and oppose negative forces. In this current, about to expire contract, we seized the opportunity of job dignity in our full-time paychecks, by accepting something noted by the legislature in print in 1993 - the community college faculty are underpaid but if they want to be paid at national norms they must move towards the 15 hour national workload norm. And our union is US. Whatever it is, it is US. You are better off with a union than without one, but you maximize the benefit if you are active - at least attend chapter meetings and pay attention! And of course this extends to being an occasional political activist.

We recognize that many of our part-time colleagues are in need of health insurance and a retirement plan - like so many Americans, unfortunately. We continue to work on the issues of health insurance and retirement as it applies to these part timers. This is not an easy problem to solve but the MTA-filed bills this year have had longer legs than many expected. I'm sure the MCCC will persist in its efforts on these bills.

Some things haven't happened as fast as we'd like. Classifying the unclassified members and the appeals process are the most notable. The euphoria of very good pay increases is past, though we continue to reap that benefit. Now we must settle in and try to ensure that the classification system does not fall apart, and that we fight to stay at that 75th percentile - if not even improve it a bit. With all of that, the vast majority of our members are much better off than they were 18 months ago. We have a paycheck that represents a career. We are working harder, at the national norm. Indeed, every professional American is working harder than they used to. Much of the economic progress made in the golden last decade came from increased productivity - we work longer and harder, and sometimes smarter.

Anyway, I will close by saying that being your President has been a rewarding and challenging experience. Sometimes it's simply hell, and other times it's a pleasure. It's a big responsibility to represent people's careers and economic welfare - I have thought of that often. I step back because I have other professional commitments, not because I don't want to do this job. And you can bet that President-to-be Rick Doud, and Vice-President-to-be Joe LeBlanc, will have my fullest support as they continue with the hard work of maintaining dignity in the workplace. ■

Editorial Comment

Schmoozing with the Solons *by Peter Flynn*

During April 9th's "Community College Day" visit to Beacon Hill, I joined others in speaking with several legislators about the predicament that the community colleges were in with the latest budget. And I did some listening. I've been writing and talking about the evolving role of community colleges in workforce development and retraining and noting that community college students are averaging about age 29 for several years. I'd convinced myself that most people in the decision making chain were savvy to the critical role of community colleges in local economies. Unfortunately, I was impressed that most of the legislators I listened to seemed off point in their perceptions of our community colleges' role in higher education, and in the current fiscal crisis.

There seemed to be a presumption that community colleges could share in the belt tightening affecting all state programs and agencies. This presumption betrays ignorance of the relatively barebones, low fat constitution of the

community colleges' budgets even during the best times.

There was also some implicit suggestion that the community colleges were not as important as the University of Massachusetts and state colleges. The perception they were "junior colleges" or colleges of last resort lingered.

The persistence of these misperceptions is particularly irksome in that they fly in the face of years of research and planning and promotion by the Commonwealth's own agents. The Office for Community Colleges (Jan Motta), the McCormack Institute (UMass think tank) and the Board of Higher Education (a.k.a. HECC, Board of Regional Community Colleges) have each stressed the role of community colleges in workforce development and retraining in local economies for decades.

After schmoozing with the solons my assessment is, wishful thinking aside, reality dictates that education of our elective leaders to the role and significance of community colleges remains an incomplete task. ■

DCE NEWS



DCE Grievance Committee - Front Row: MTA Consultant Michelle Gallagher, Marcia Blanchette STCC, Nancy Morello, MBCC, Judy Kahalas RCC, DCE Grievance Coordinator Joe Rizzo, Robert Browning HCC - Back row: Carol Mathiesen STCC, Don Williams NSCC, Ana Gailat GCC, Thomas Trainor CCCC, Doug Sherman MBCC.

DCE Report, Spring 2002

Extracted from DCE Grievance Coordinator Joe Rizzo's Spring report

DCE Grievance Committee

This is the report of Division of Continuing Education Grievance Committee, a standing committee of the MCCC, for the period of April 2001 to the present. During that time, the Committee met in July 2001, November 2001, and April 2002. Each meeting was approximately four to five hours in duration with 10-12 members in attendance.

The Committee served the purposes outlined in its charge. Thirty cases were considered for mediation or arbitration over the past year. Cases are carefully examined and thoughtfully discussed during deliberations. The Committee has lived up to its promise by alleviating the workload of the Executive Committee and has served to enhance the knowledge and expertise of chapter grievance representatives. The Committee has broadened the participation of members in the MCCC, it has provided grievants with the opportunity to meet with their colleagues to discuss their case, and has contributed to the cultivation and skill enhancement of talented and committed individuals.

Activity of Grievances, Labor Relations Commission Cases, and Unemployment Claims Appeals

The frequency of disputes is on the rise after years of decline. The number of cases filed last year rivals that which occurred in the first year that the DCE unit existed under the terms of a collective bargaining agreement. It is expectable that there will be greater labor acrimony when an employment environment is first unionized. It is less common that grievances would spike after 12 years. This is especially odd since this is the mid

point of the third collective bargaining agreement. Grievance activity generally increases after a new contract as new language is tested, or at the end of a contract when the parties may be posturing as a new contract is under negotiation.

It is worth noting that the first DCE contract was in effect more than five years, the second contract was in effect for four years, and the current agreement has only been in effect for 18 months. In this light, the current state of grievance activity is a particular cause for concern. Given that there are more than 20 new cases filed in the first quarter of 2002, the total number for this year may even exceed the 65 cases filed in 2001. Despite a noticeable similarity in overall grievance activity from a system-wide perspective comparing 1991 with 2001, there are fundamental differences that are noteworthy. The nature and the source of the disputes are now different.

Although Northern Essex and Bunker Hill have disproportionately more grievances, most colleges have experienced a significant decrease with the exception of Roxbury C.C. Roxbury accounts for 1/3 of all grievances in the community college system under the current agreement. All current agreement grievances at Bunker Hill emanate from one supervisor. The most dramatic decrease of grievance activity is at Massasoit.

The majority of cases reached a conclusion at the lower steps of the grievance process. Of the cases that reached mediation, 54% were resolved at that stage of the procedure. Though many cases are unresolved after mediation, most are still resolved prior to arbitration. Only one case has gone to arbitration in the last year and that case was

Continued on Page 4

Know Your Day Contract

May 2002

- March 31 Department chair vacancies announced (p.55)
- May 1 President's tenure recommendations and sabbatical decisions due
- May 4 MCCC Delegate Assembly 2001
- May 15 Faculty submit college service and student advisement form
- May 17-18 MTA Annual Meeting, Boston
- May 20 Tenure decisions due
- May 30 Professional staff College service and student advisement forms due
- May 27 Memorial Day celebrated

June 2002

- June 1 Applications for sabbaticals for spring 2002
- June 1 Professional Staff summary evaluations due
- June 15 Sabbatical requests to committee
- June 15 Student evaluation data tabulation reported
- June 30 Last day for Professional staff pre-evaluation conferences
- June 30 Evaluation of Part-time faculty in third appointment

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. ■

DCE Report, 2002...

Continued from Page 3

favorably resolved in the hours prior to the hearing.

Note:

The DCE contract has four steps in its grievance procedure.

Step 1 – Immediate Supervisor

Step 2 – College President (MCCC DCE Grievance Coordinator appears at hearing)

Step 3 – Mediation. Requires MCCC Certification

Step 4 – Arbitration. Requires MCCC Certification

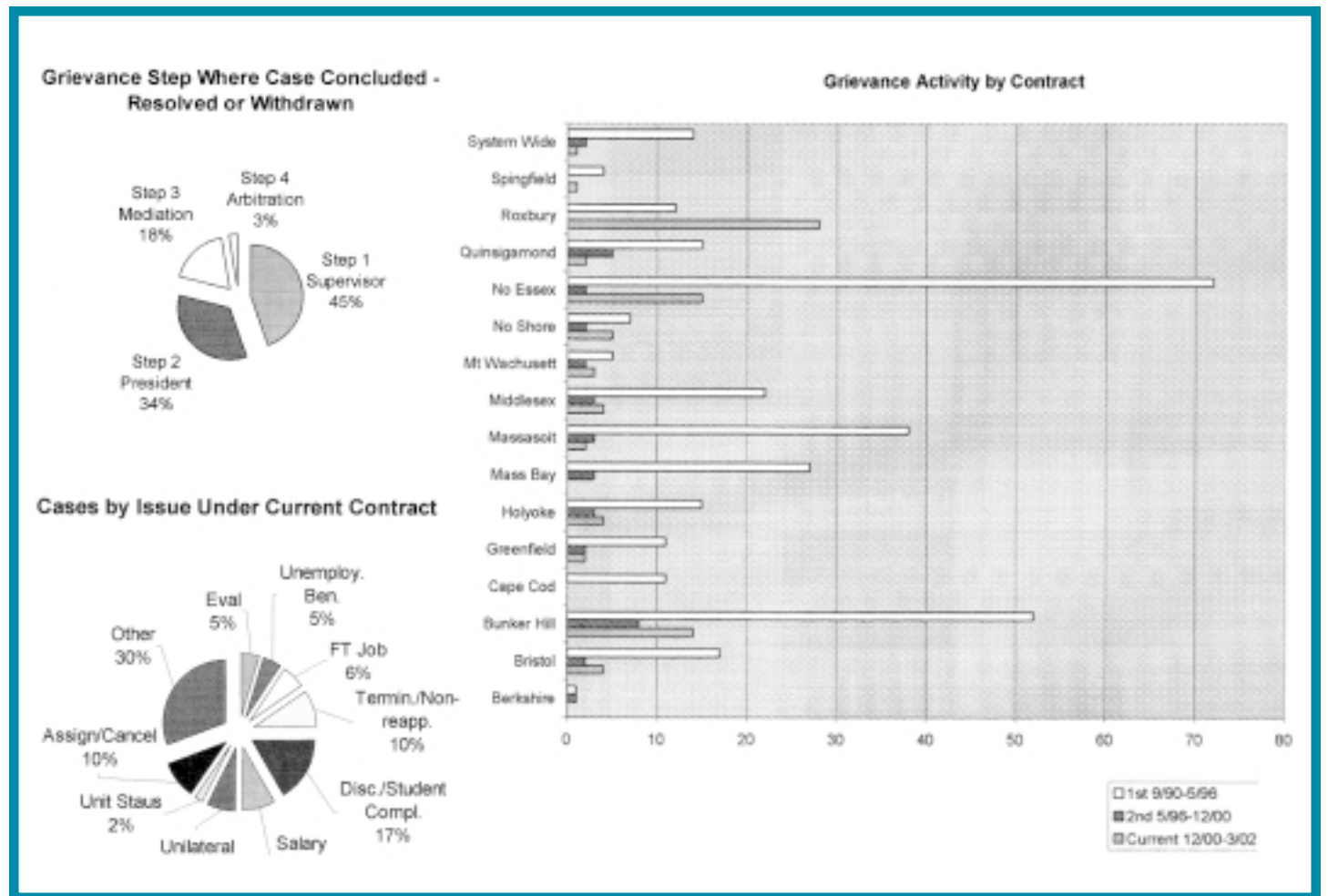
Day agreement has a three step procedure beginning with the College President.

In the past, a great number of DCE cases were related to assignment issues. Although there are still a number of these cases, there appears to be a shift toward disputes over salary calculation, part timers applying for full time jobs, and unilateral changes in working conditions. The most prominent issue in recent months is discipline and discharge. Many of the termination cases involved student complaints. Taken together, these cases may constitute 25% of the DCE grievance caseload.

Salary Issues: Salary disputes tend to be generated by several factors. The calculation of salary step 4 is seniority driven, as opposed to steps 1-3 which are determined by the number of courses taught in DCE at the college. This necessitates a tracking by the administration of courses as well as seniority which in turn increases the likelihood of errors being made.

The salary step system does not apply to DCE faculty who are paid by the contact hour. Most of the affected instructors are teaching in clinical areas in health programs. Although the hourly rates generally kept pace with the former step system (1-3), the clinical instructors have fallen behind their credit salary colleagues under the current DCE contract that took effect 15 months ago. The newly created step 4 (8 years seniority or more) received an increase of 5% on top of the 2% base rate increase. This in turn leads to much greater scrutiny of the appropriate applicability of the hourly rate provisions of the collective bargaining agreement.

On a highly positive note on this issue, Massachusetts Bay Community College



agreed to change the means by which nursing and most other health program instructors are paid. In the past, instructors in these programs were paid by a contact time hourly rate regardless of the modality of instruction. Therefore, the same hourly rate was paid for didactic instruction as was for clinical instruction. Until recently, this practice had little negative impact on the unit members and the fact that it was inconsistent with the provision of the contract gained little notice. Practical Nursing program instructors advocated a reexamination of these salary determinations noting that didactic instruction ought to be paid by the credit and consequently the step system would apply. The college is now going to pay all health program instructors by the credit and step for all didactic instruction including the portions of mixed modality courses that include lecture. Although a newly hired instructor may earn slightly less under the new means of salary determination, most instructors will experience a pay increase. The P.N. program faculty will earn as a group \$5,000 more in the spring 2002 semester than they would have under the old system.

Another basis of salary grievances occurs when there is overly creative accounting used by the college to lower faculty salary overhead. Examples include having the first and second semester of a course sequence run simultaneously with the same instructor but paying the teacher for one course. A startling variation on this theme was when a college told the instructor to only meet with the students for 2/3 of the scheduled time for 2/3 of the requisite salary.

It is heartening to note that only one college, Northern Essex, has fundamentally altered its definition of underenrollment so as to undermine the salary increases due the DCE faculty, particularly those at the higher steps on the salary schedule. The MCCC is aggressively pursuing this matter through the grievance process at the State Labor Relations Commission. However, the Commission has been increasingly unsympathetic to the MCCC position in recent years and a pro management disposition is becoming more evident. Hope of finding justice in that forum is dimming in this and other cases.

Full time Positions: Although the percentage of grievances concerning part timers applying for full time positions has not changed much in recent years, the actual number of grievances in this regard has risen considerably along with the increase in the total of new cases filed. These cases are probably more frequent because of the scarcity of full time positions available in higher education. The grievances are particularly difficult because new unit members find that their employment is under contest and that in

their eyes, the union may be perceived as being an active participant in this challenge. To help alleviate some of these concerns, the MCCC notifies the successful candidate, who is now a unit member, that a grievance is in process and invites the impacted person to make the DCE Grievance Committee aware of any pertinent information or documentation when the case is under consideration for mediation certification. Another complicating factor is that it is not unusual for full time unit members to have participated in the search and selection process. This may cause some to believe that the union is challenging their judgment.

Unilateral changes: Unilateral changes in conditions of employment continue to be of great concern. Such changes are mandatory subject of bargaining under MGL Chapter 150E but certain colleges persist in unilateral implementation of various plans and programs that ought to be bargained. Typically at issue are professional development programs that are in addition to the unit member's regular duties. The college contracts directly with the individuals to engage in an activity for extra pay. The amount of work and compensation is singularly set by the employer.

The colleges' position is that this work is extra-contractual and therefore does not have to be bargained. Secondly, they insist that they have been making side deals with faculty for years without any notice, therefore the union has waived its rights to negotiate prospectively. The terms of these arrangements can be perceived as fair by some but failure to take the employer to task on these matters can lead to a forfeiture of the right to bargain. As a result, these programs should be policed and challenged as necessary because there is no assurance that such programs would continue to be fair in the absence of the right to bargain.

Non-reappointment and Termination: There have been more non-reappointment and termination cases in the past year than there has been since the inception of the first DCE contract in 1990. Most of these cases are at Roxbury, and to a lesser extent Bunker Hill Community College. Other campuses have had some of these grievances as well.

Although, the DCE contract has strong language concerning dismissal, this is not the case with non-reappointment. Dismissal is contractually defined as being let go during the semester where non-reappointment refers to not being appointed for an upcoming semester despite having the right to reappointment. It may be possible to prosecute non-reappointment cases at the Labor Relations Commission. This vehicle of redress is now under serious consideration since the labor if not social contract concerning em-

ployment security appears to be under attack.

Student Complaints: Discipline cases against DCE faculty are on the rise and often concern student complaints. The college presidents implemented a new student grievance policy during the past year that fails to protect faculty rights as well as the old one. The new DCE agreement provides for progressive discipline which is a positive step, but the general lack of due process regarding student complaints coupled with litigious students and zealous administrators make for difficult times for unit members.

DCE Pay Frequency

Through most of the history of the community colleges in Massachusetts, DCE faculty were paid twice a semester for full semester courses and once a semester for summer courses and courses of less than eight weeks. Despite variations from one campus to another, these practices were memorialized in the first DCE contract and that language exists in the current agreement. It is worth noting that the day part time faculty was paid monthly until the time that the colleges converted this work to the DCE unit. This occurred at different campuses between 1991-1996. That change caused distress to those individuals who were piecing a living together on part time teaching. Since that time, the MCCC has advocated more frequent salary payments. Many colleges have agreed to provide more frequent payments. Others have not.

Last fall, the MCCC requested an MTA legal opinion seeking guidance as to whether these contractual provisions and practices are consistent with the federal and state laws that govern salary payments. The legal opinion found that state law requires salaried employees to be paid at least bi-weekly unless the employee elects to be paid monthly. There is an exemption from this rule for employees who operate independently. There is not much case law that parallels the particulars of DCE employment, therefore, the applicability of the law may be subject to interpretation. The opinion recommended the MCCC take up this matter in contract negotiations.

A unit member from Holyoke Community College has recently filed a complaint with the state Attorney General's Office alleging that the college's actions do not comply with state law in regard to the payment of wages. Specifically, the paychecks were issued well after the date that the college set as a pay date even though this date was well before the midpoint of the semester. The unit member has asked for assistance from the MCCC. A request for MTA legal assistance is now in process. ■

MCCC News

<http://www.tiac.net/users/mccc>

Editor:

Peter Flynn

President:

Philip Mahler

Vice President:

Richard Doud

Secretary:

Phyllis Barrett

Treasurer:

Estela Carrion

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 Peter Flynn, Northern Essex Community College, Haverhill, MA 01830, e-mail pfflynn@seacoast.com.