

MCCC News

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Delegate Assembly Budget Challenges

This year's MCCC Delegate Assembly will have a special budget challenge because of the threat the *Janus* case in the Supreme Court poses.

Passing the budget is the most important function of the DA, but by the April 21 date, the court may not have rendered its decision. So the MCCC does not know what its income will be when the budget has to be approved.

Instead of presenting a budget proposal from the Finance Committee to the Board of Directors, as required, Treasurer Gail Guarino made the unprecedented move of presenting two budgets. One budget assumes that *Janus* does not negatively affect agency fee collection. An alternate budget assumes the worst-case effect from *Janus*.

The alternate budget assumes that the MCCC will lose all of the approximately 1800 agency fee payers who are not members now. Plus it assumes that we will

lose some people who currently are members, but who may not continue.

The FinCom projected a 37 percent decrease in dues revenue (from \$1,115,050 to 696,020). And the resulting budget required extreme cost cutting. Guarino went through details of the proposed cuts, which included reducing officer salaries, reassigned time, and chapter support. Tapping into cash reserves would also help balance the budget.

Believing that this is not a good time to raise dues, neither budget called for an increase.

The alternate budget would also require passing several MCCC Policy changes to allow the proposed cuts. These would be contingent, along with the alternate budget, on how the *Janus* decision comes down. The court usually ends its session in late June, and they often hold major decisions until the end. So we may not know until the summer.



MCCC Treasurer Gail Guarino presented two budgets for 2018-19 to the Board of Directors in advance of the Delegate Assembly: a main budget and an alternate one that would be conditionally approved to account for a negative *Janus* decision. (Photo by Don Williams)

Janus Case Threatens Unions

The US Supreme Court heard arguments at the end of February in the *Janus* case challenging the ability of public sector unions to collect fees from employees who do not want to belong the unions that represent them in collective bargaining. Currently 22 states, including Massachusetts, allow unions to charge "fair share" fees to non members.

The 1977 *Abood v Detroit Board of Education* decision set precedent that allowed public unions to charge non-members a "fair share" fee to cover the costs of negotiating and maintaining contracts. Typically, the Supreme Court is reluctant to overturn previous decisions, but we are not in typical times, and this conservative court seems (somewhat antithetical to conservatism) willing to take radical action.

Marc Janus, a social worker in Illinois, brought the suit, funded by anti-union conservatives, claiming that having to pay a \$44 monthly fee to his AFSCME local violated his First Amendment right to free speech. Because he disagreed with policies the union advocated, he believed that having to pay money to the union was "forced speech."

It boils down to 2 basic questions: Is everything a public employee union does partisan politics? And should people have to pay for the services in negotiations

and contract maintenance a public union provides whether or not they agree with the union's political positions?

Two years ago public unions faced a similar challenge in the *Friedrich's* case brought by a California teacher. Again, that plaintiff was also funded by wealthy conservatives. The case ended without a decision in a 4 to 4 tie when Justice Antonin Scalia died during deliberations. With the swing voting Justice Kennedy going with the conservative justices,

it was clear that *Friedrich* would have prevailed had Scalia lived.

Trump appointed Justice Neal Gorsuch will be the deciding vote in the *Janus* decision. Given his conservative history, he would be expected to support *Janus*, but some court observers commented that his conservatism might make him want to avoid overturning long-standing policies. Unions are not betting on that hope.

But NPR's Nina Totenberg pointed

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2018 Election Results – Officers

	PT	FT	Total
President			
1 MARGARET WONG, QCC	206	208	414
2 CLAUDINE BARNES, CCCC	90	224	314
Vice President			
1 ROSEMARIE FREELAND, GCC	174	361	535
Secretary			
1 DEANNA PUTNAM, BHCC	177	344	521
Treasurer			
1 GAIL GUARINO, CCCC	137	279	416
2 GEORGIANA S. CHEVRY, ED.M., BHCC	124	111	235
Part-Time/Adjunct At-Large Director			
1 LINDA GROCHOWALSKI, QCC	163		163
2 CAROL GRAY, HCC	115		115
3 MARGARET CROWE, MBCC	103		103
4 SWAN GATES, CCCC	74		74

MCCC Delegate Assembly April 21, 2018

Courtyard by Marriott -
Marlborough
75 Felton Street
Marlboro MA

Registration
Opens at 8:00 A.M.

Directions
From Rt. 495 North or
South take Exit 24B.
Felton St. will be the first
right, just before the gas
station.

Solidarity Forever



Don Williams,
MCCC Communications
Coordinator

The lyrics to the old union song “Solidarity Forever” hark back to the coal mine strikes in West Virginia in the early 20th century.

*“Solidarity forever
Solidarity forever
For the union makes us strong”*

And now West Virginia teachers—a state without collective bargaining for public employees—have given the nation a lesson in the power of organizing and exercising united power.

There’s no question that when a union is cohesive and activated it can have significant power. Without cohesion it’s very difficult to activate members and the union’s power is vastly diminished.

With about 5000 members, the MCCC has a diverse membership. While we all share employment in the Massachusetts Community College System, there are also many things that separate us. Differences between faculty and

professional staff, full-time and part-time, senior and junior employees, and even regional differences all have the potential to divide us.

Declining enrollments at our colleges is another factor that stresses out our members as they wonder if their classes will be cut or their department be eliminated. In tough times people can turn on each other for self-preservation.

We can’t let our differences weaken us. We need to focus on what unites us. We need to be respectful of our differences and work together to exercise our collective power.

This is where the West Virginia teachers can really educate us. Without collective bargaining, the NEA and AFT affiliates are essentially professional associations (as both the MTA and NEA originally were). They have little official stature, but they do serve as a focus for organizing. And organize they did, but more from the bottom up than the top down.

Offered meager salary increases, coupled with increased health insurance costs, on top of the second lowest teacher

pay in the nation, the rank and file had had enough. Amazingly they closed down all of the public schools in the state. And their opponent was not a weak local school board but the state legislature and governor. They stuck together over two clear demands—a small, but better than nothing additional 1 percent raise and freezing health costs—and held on until they saw the policies enacted.

The teachers were unified, tough, focused and successful. They have inspired teachers in the other bottom paying states of Arizona and Oklahoma to consider taking similar action in their own states. Success can breed success.

Regardless of what the Janus case outcome is, the MCCC will still be in a collective bargaining state, and we will still negotiate contracts for both Day and DCE Units. If we are going to be successful ourselves, we need to focus on what unites us.

As one verse of the song says:
*“Yet what force on earth is weaker
Than the feeble strength of one
But the union makes us strong
Solidarity forever”* ■

Membership Statistics

In his Spring semester report to the MCCC Board of Directors in February, Research Coordinator Hilaire Jean-Gilles presented a snapshot of membership trends primarily over the past year. His presentation included detailed chapter-by-chapter numbers, but some key overall points stood out.

Union member versus agency fee payers was an especially significant statistic. Mass state law allows that public unions can charge a fee to people who don’t want to join the union, but do gain the benefits of collective bargaining. Our union faces the potential of losing the ability to collect the “fair share” fees from non-members if there is an unfavorable *Janus* case resolution in the Supreme Court.

Out of the 2271 full-time Day Unit faculty and staff, only 60 individuals choose not to belong to the Union and pay the fee. That’s over 97 percent who choose to belong to the Union and pay the full dues.

But statistics for the DCE Unit are very different. Overall, Jean-Gilles’ statistics show that 46 percent of adjuncts choose to pay the fee rather than join. The lowest agency fee member percentages were at Northern Essex and North Shore at 31 and 36 percent respectively. At four chapters more than half of the adjuncts do not belong to the Union.

Treasurer Gail Guarino pointed out how seriously this number could affect MCCC finances. If all of the people now paying the fee decide not to pay anything—as an unfavorable *Janus* decision would likely allow—the Union could lose 44

percent of its revenue. And the MCCC may still be legally required to provide services to these non-members.

Overall membership numbers have been relatively stable. Since 2016 full-time members declined by about 20, and adjunct members increased by slightly over 100. Although there was the small increase in adjunct faculty, the number of DCE courses offered by the colleges decreased by about 8 percent.

Adjunct seniority was another area of interest. About 42 percent of adjuncts have 5 or fewer years of service. And overall 82 percent have 15 or fewer years.

While all adjuncts are DCE members, not all DCE members are adjuncts. Jean-Gilles presented a table of dual unit members by chapter who are Day Unit members that also teach DCE classes. A

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total of 963 have dual unit status with 88 percent of them being faculty.

Part-time professional staff are an

often overlooked group, but the research showed that some campuses make extensive use of p-t staff and others don’t. The campus-by-campus breakdown showed a total of 966 p-t staff members with a wide range of distribution. The relatively large Springfield chapter had 5, and the relatively small Cape Cod chapter had 114. Middlesex had the most with 126.

Board members discussed the implications of the specifics as Jean-Gilles presented them. The numbers give indications of how to reach out to members as the Union faces challenges ahead. ■



MCCC Research Coordinator Hilaire Jean-Gilles made his spring report on membership trends to the Board of Directors.
(Photo by Don Williams)

Visit The MCCC Online!

www.mccc-union.org

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

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

Bookmark the site for frequent referral.

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

Low Voter Turnout for Election

After a challenging start, the MCCC election came to a successful resolution despite a small voter turnout. MCCC's Nominations and Elections Committee issued a report on March 23, summarizing the conduct of the election. The Committee members are Autumn Alden (BrCC) Chair, Ruth Kiefson (RCC), James Korman (MWCC) and Yaz Rodd (BHCC).

The report detailed a controversy over one nomination. The Board of Directors passed a motion made by Director Joe LeBlanc at the February 16 Board of Directors' meeting to remove a candidate from the ballot based on a timeline question. The Nominations and Elections Committee sought a legal opinion as to the Board's authority to remove a candidate from the ballot once a candidate had been placed in nomination. MTA General Counsel Ira Fader said that in reviewing MCCC's governing documents, "it is my legal opinion that the MCCC's governing documents, properly construed as a binding contract with the membership, do not vest authority in the Board to remove the names of candidates from the ballot after the N/E Committee has placed the name in nomination. The decision to leave the name on the ballot is appropriate, and the N/E's decision to place it there is subject to challenge under the MCCC's Election Challenge Procedure."

MCCC Policies allow candidates to challenge election results post election as was done in the 2015 statewide MCCC elections when an outside arbitrator ruled that the MCCC BOD had "acted in an arbitrary and capricious manner" when it tossed out an election involving an at-large Part-Time/Adjunct Director and that resulted in the reinstatement of the first election results after a second election had been held.

Another point of conflict was the sending of email in support of specific candidates by Diana Yohe and Jeff Seideman as individuals without the permission or consent of the supported candidates.

Director Claudine Barnes complained that the email was in violation of MCCC bylaws and policies that state campaign materials must not attack the character of a person. The Committee decided that the email was not campaign materials as it was not created directly, or indirectly, by a candidate, and the issue was resolved.

The committee reported that with the help and expertise of Phil Mahler; Webmaster, Tom Powers; and Communications Director, Donald Williams, the election opened Friday, March 2, 2018, and closed at 4:00 pm on Thursday, March 22, 2018.

On Friday, March 23, the ballot results were viewed at the MCCC Office

in Worcester. The following people were present at the viewing of the ballot results for officers: Claudine Barnes, Susan McPherson (on behalf of Margaret Wong), Rosemarie Freeland, DeAnna Putnam, Gail Guarino, Linda Grochowalski, Carlos Brocato, Phil Mahler, and Autumn Alden. Phil and Autumn then moved to the smaller conference room to reconcile write-in votes for MTA and NEA delegates. They were joined for the majority of the time by committee member Jim Korman. Also, for a brief time Rosemarie Freeland and Jeff Seideman were present.

Certified election results were reported out to the BOD and to Chapter Presidents for distribution to all members by the MCCC President, Diana Yohe, on March 23, 2018, and the results were posted to the MCCC Webpage by March 24, 2018. For the Part-Time/DCE ballot there were 312 votes cast out of a possible 2490. For the Full-Time Day ballot, there were 445 votes cast out of a possible 2289. This is a part-time voter turnout of about 12.5%, full-time voter turnout of about 19.4%, and overall turnout of 15.8%. For comparison, the 2016 election for officers had a part-time voter turnout of 17.6%, full-time voter turnout of 24.3%, and an overall voter turnout of 20.7%, still low considering a voting membership of over 4,800 members. ■

Janus Case Threatens Unions...

Continued from front page

out that Gorsuch, who is usually an active questioner, did not speak during the hearing, giving no clues as to his disposition on this case. Other justices did give clear indication of their opinions in questioning.

Conservative justices were sympathetic to Janus' argument that public unions are political and that people should not have to pay a union whose politics they disagree with. Justice Roberts argued that what the unions do affects public policy therefore making them political. He asked "How do negotiation over wages not affect the state budget?"

Justice Kennedy asked an AFSCME attorney if losing this case would reduce the union's political influence. When the attorney agreed that it would, Kennedy said, "Isn't that the end of the case?"

Liberal justices pointed out that they shouldn't be overturning a 40-year policy without compelling justification. Justice Kagan noted that, "There are tens of thousands of contracts with these provisions. Those contracts affect millions of employees."



Justice Breyer said, "You start overruling things, what happens to the country thinking of us as a kind of stability in a world that...changes a lot."

The conservatives seemed to believe that overturning the 1977 decision would not change things much. They argued that if people feel that unions benefit them, then they will join or willingly pay a fee. But with workers seeing weaker paychecks, many might give themselves small raises by not paying union dues. Conservatives have been antagonistic towards unions.

Unions rightfully fear that they will be severely weakened. States with collective bargaining laws require that unions provide services to non-members, so that someone like Marc Janus could reap the benefits from his union's work without paying anything. What does that do to the solidarity of the members who belong and do pay dues?

AFSCME, the union involved in the case, surveyed 600,000 members and the results were chastening. Only 35 percent said they definitely would continue to pay dues, 15 percent would not, and the other 50 percent were undecided.

When the decision finally comes down, maybe not until July, it may not be an all or nothing resolution. The court could make a narrow decision where things don't change significantly. At this point unions are planning for the worst. ■



This summer will be our first chance to reach agency fee payers following the anticipated anti-union decision in the Janus case before the U. S. Supreme Court. Many features of the MTA preK-12 summer organizing program will be included for higher ed, but the higher ed program focuses on member recruitment.

MTA's experience suggests that many non-members have never been asked to join their unions. We also want to experience "flipping" non-members and to develop sustainable member recruitment and retention programs with locals. Our conversations in home visits, phone calls and other communications will be on local issues and statewide concerns, particularly passage of the Fair Share Amendment and other Raise Up Massachusetts initiatives. These conversations will help lead people to experience collective power and the result in stronger unions and greater investment in public higher education.

Solidarity Wednesdays



The Greenfield chapter joined in on the DCE contract Solidarity Wednesdays campaign by sporting red apparel. The Union hopes that all members across the state will follow along every Wed. to make a visible statement of support for the DCE members. You can wear the stylish MCCC-shirts or something more fashionable from your own wardrobe. But whatever it is, make it red.



Zac Bears, Executive Director of the Public Higher Ed. Network of Massachusetts (PHENOM) spoke to the MCCC Board in February about upcoming legislative activities and priorities, and encouraged MCCC members to join them. Bill H. 4153 is the new number for legislation that would provide benefits like health insurance for adjunct faculty. This needs to be passed in the current legislative session. He also urged members to campaign in support of the "Fair Share-Millionaire's Tax" in the November election, which will provide an additional \$2 billion to the state budget with earmark for education.

(Photo by Don Williams)



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. email: Communications@mccc-union.org



Write Us

Letters to the Editor

Only submissions by MCCC unit members will be accepted. Letters should be no more than 200 words in length. The author must include name and chapter affiliation, which will be published with the letter. Authors must provide the editor with contact information in the form of either email address, mailing address or telephone number. Letters will be published on a space available basis and may be edited for length and appropriateness. Not all submissions can be published.

Guest Columns

Guest Columns should be no more than 400 words in length. Columns by authors who are not MCCC members may be accepted. The author's name and affiliation will be published with the column.

Mail to:

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Or email:

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Know Your Day Contract

April 2018

- April 6** Dean's leave of absence recommendations due (p. 30).
- April 15** Dean's tenure recommendations due (p. 44).
- April 15** Title changes announced (p. 65).
- April 16** Patriots Day holiday (p. 23).
- April 25** Professional Staff unused vacation days in excess of 480 hours (64 days) converted to sick leave at end of last pay period in April. (p. 22).

May 2018

- May 1** President's tenure recommendations and sabbatical notification due (pp. 44 & 27).
- May 1** **Last Day of classes.** Faculty submit college service and student advisement form (p. 57).
- May 21** Tenure decisions due (p. 45).
- May 30** Professional staff College service and student advisement forms (p. 59).
- May 31** Memorial Day observed

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.



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at
mccc.union