

Use of Sick Time - DCE Contract Advisory - 2019

The DCE collective bargaining agreement has always contained the provision for the making up of missed classes with no loss of pay. The current language can be found in Article 13.04 included below. Classes are made-up by four (4) possible means with the approval of the College. One must either schedule a make-up class; add time to the remaining class meetings; assign a paper, project, or a self-directed learning experience which will require a time span equivalent to one class period; or, by another method that is proposed by the Unit member.

In 2015, the Massachusetts sick time law was implemented. This law does not allow an employer to require the make-up of sick time unless there is mutual agreement to make it up with no loss of accrued sick time.

The new DCE contract now provides sick time with greater benefits than the base benefits provided by the sick time law. However, the MCCC learned yesterday from representatives of the College Presidents and the Board of Higher Education that the colleges intend to require DCE faculty to make-up the work, but not class meeting time, when sick time is used. It is their intention to require faculty to utilize number 3 and 4 (e.g., alternate assignments) under Article 13.04 when sick time is used. The net effect of this management plan is that one uses their accumulated sick time and must make-up the work.

This appears to be a violation of the sick time law because it is requiring a unit member to use time to make-up work that would not be required if one had not been out sick. This action also speaks volumes about the College Presidents' views of the professionalism of DCE faculty. It is clear that they believe that we cannot be trusted to act professionally unless strictly supervised. The stated management reason for this position was that students have a right to their education. However, full time faculty have no such contractual requirement on the use of sick time and the students still receive a quality education. We are all faculty in the same institutions, and we are all professional. It is noteworthy that many DCE faculty are also full-time faculty.

The purpose of this communication is to advise you that the MCCC will consider all options available to address this situation and take appropriate action. In the meantime, DCE faculty are advised not to use sick time for the occasional absences which may warrant its use. You already have the ability to make-up an absence as provided in Article 13.04 so that there is no need to draw down your accumulated sick time. By so doing, the accrued sick time would be available for a serious and extended period when the benefit would be more helpful.

We advise DCE faculty when faced with the occasional illness which would necessitate a class absence to notify the college of the absence in accordance with the policy that is required at that institution. Also, write to your Dean and state that you will be absent from class and say that you will make up the class by one of the four means provided in article 13.04. You should clearly state that you are not using your accrued sick time for this absence

Sample:

Dear Dean _____:

This is to notify you that I missed class (or will miss class) on DAY and TIME for course(s) TITLE, COURSE NUMBER, SECTION NUMBER. I will make up the work as provided in Article 13.04 and will forward you the plan as soon as possible. I will not be utilizing accrued sick time for this absence.

Important:

1. Notify the college of your absence as is customarily done.
2. Be sure to submit a plan for approval from the Dean/supervisor noting which option of 13.04 you are proposing.

Some colleges send faculty a form letter after an absence is reported. This letter would cite article 13.04 and ask which of the four options would be used to make-up the missed class. In this case, indicate the option that you plan to use, and write on the form that accrued sick time is not being used.

DCE Contract Article:

13.04 Classes shall be held as scheduled, including during finals week. In the event classes are cancelled due to inclement weather, other emergency, or recognized college holiday or whenever a regularly scheduled class is not held for whatever reason, the unit member will be responsible for completing the obligations of the employment contract and subject matter content in one of the following ways with the prior approval of the College:

1. schedule a meeting of the class on another day that is mutually agreeable to the unit member, the students and the College;
2. begin earlier and/or end class later for as many sessions required to compensate for the time missed;
3. assign a paper, project, or a self-directed learning experience which will require a time span equivalent to one class period;
4. by another method proposed by the unit member and approved by the appropriate dean.

Any class not held due to the absence of the unit member or dismissed early is generally unacceptable