

MCCC News



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This Old Office Building Needing Costly Overhaul

Many MCCC members may not be aware that we own the office and meeting space at 27-29 Mechanic Street in Worcester. As any property owner has experienced, there are times when maintenance is needed, and our building has needed significant work lately.

The building is about 150 years old. It originally housed Putnam and Thurston's Restaurant, which was founded in 1858 at another location, and they built the Mechanic Street building in the 1860s. Billing itself as "the largest restaurant in Worcester," it was also one of the best, lasting into the 1980s.

Its next incarnation was as a dental building with a number of affiliated offices before converting into dozen office condos. After renting its first office in Auburn, the MCCC bought three units here in 2002 and a few years later bought a fourth. With two units for the three-person office and storage, and two more for meeting space, we are now are the largest of the six current owners.

Beyond the normal wear and tear work like painting and carpeting, the building has been hit recently with some major repairs.

A complete roof replacement was recently completed to the tune of \$99,475

that is split between the owners depending on their percentage of the building. *[In the past there had also been some basement mold remediation that the owners shared.]*

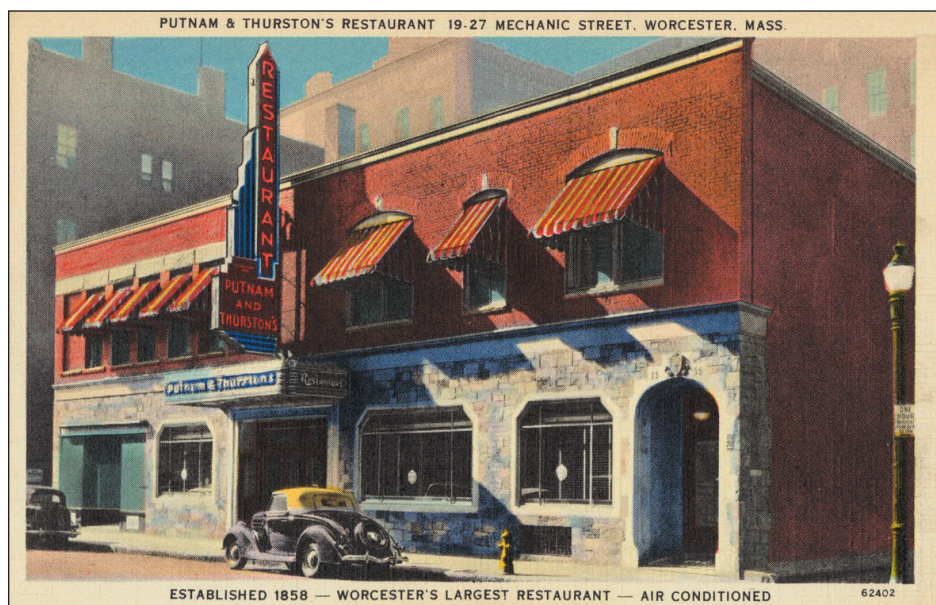
Within the MCCC's space, the heating and air-conditioning system had problems that required the replacement of two, large air-handling units in the ceiling that cost \$21,000. And, with other work going on in the building, deficiencies were found in the fire sprinkler system that put an additional \$22,274 burden on the MCCC budget.

"Now we are fully protected," said Edy Stoddard, one of the two full-time staff in the office. She is the point person for dealing with the building issues and dealing with the condo association.

But the problems aren't over yet. Recently, in the course of the sprinkler update, contractors found problems with the water lines coming into the building that will require replacement. These are large, commercial lines, and the job is even more complicated because the cellar of the building goes under the sidewalk. This job is pending.

Anyone who owns an old house has probably had similar experience where one problem leads to hidden others. Given the age of Mechanic St., the indi-

Continued on page 2



MCCC Nominations Open

Nominations will be accepted for all MCCC elected positions.

- Officers: President, Vice President, Treasurer, Secretary.
- Adjunct/Part-time At-large MCCC Directors (2)
- MTA Annual Meeting Delegates
Springfield, MA May 1-2, 2020
- NEA Representative Assembly Delegates
Atlanta, GA, July 2-6, 2020

Nominations Close Thurs., Feb. 6 at 4 P. M.

Election will be conducted online. Materials will be mailed out the first week of March with unique member IDs and PINs.

NOTE: Write-in nominations will not be accepted for NEA-RA and MTA Annual Meeting delegates.

Voting will close Thursday, March 26 at 4:00 P. M.

Nomination and Signature Forms will be available on line at the MCCC website:

www.mccc-union.org.

**Bylaw Proposals Due Feb. 1, 2020 –
send to bylaws@mccc-union.org**



The MCCC office building in Worcester today, and its original long-term tenant Putnam and Thurston's Restaurant pictured here in a 1930s postcard.

(Card found by Phil Mahler, photo by Don Williams)

Fitzgerald Delivers Day Grievance Report

MCCC Day Grievance Coordinator, Dennis Fitzgerald, made his Fall report to the MCCC Board of Directors at its Oct. 18 meeting.

Distributing his 139-page “Grievance Training & Contract Enforcement Manual,” Fitzgerald gave a PowerPoint presentation highlighting recent significant situations that members and especially grievance officers should be aware of.

Using grievances that have come up recently, he connected them to the relevant contract language, mediation resolutions, and previous precedent-setting arbitration decisions.

One section focused on compliance with the state employee labor laws in Chapter 150E with a particular focus on the unilateral transfer of work outside of the Unit. One case at Bristol Community College dealt with the transfer of an MCCC member’s work as Coordinator of Tutoring and giving it to a non-unit professional. The Union won a reversal of the transferred work.

A more recent issue involved Help Desk Technicians at Roxbury Community College that pitted the MCCC against the AFSCME Unit over which union should appropriately represent these positions. The CERB determined that they go to the unit “with which it shares the greater community of interest,” and that was the MCCC.

Fitzgerald also looked at “creditable service” calculation and other retirement related provisions. He reminded professional staff members who take the optional 10-month schedule to be sure to spread their paychecks over twelve months to get full credit at retirement.

Another set of issues covered involved Dismissals, Terminations and Forced Retirements that are becoming

more common. Fitzgerald said he’s seeing more cases of senior faculty being pushed out by trumped up charges. A section of the Manual explained the tests of “Just Cause” and “Due Process” in such cases.

Related to these situations, an issue of major concern to Fitzgerald is what he calls “repudiation of the contract by management.” We have negotiated conditions that both sides have agreed upon, particularly about what can be resolved through binding arbitration.

Beginning in 1994 the college presidents’ attorneys first applied a statute intended for K-12 employees that said that certain management actions were within professional judgment and covered by the non-delegability statute, MGL c 15A, §22. The strategy was first applied in a 1996 Roxbury Community College case regarding reinstatement of a retrenched unit member. In that case an arbitrator initially ordered the member’s reinstatement, but after taking the case to the Supreme Judicial Court (SJC), management won a reversal of the appointment, and allowed the arbitrator to only monetary damages for the contract violations.

Fitzgerald listed a number of similar management actions both in the community colleges and state universities since 1996. The most recent was in 2013, again at Roxbury, this time over the denial of tenure. The tenure review process was seriously flawed and resulted in the member being denied tenure. An arbitrator recognized the violation and “made the grievant whole with full back pay, benefits, and seniority to date of reinstatement.”

However, the SJC ruled that while the union has the right to take the issue to arbitration, the arbitrator’s decision was not enforceable.



MCCC Day Grievance Coordinator Dennis Fitzgerald presented highlights of his fall report to the MCCC Board of Directors. (Photo by Don Williams)

Contract provisions in several areas could face a negative impact over the right to arbitrate including:

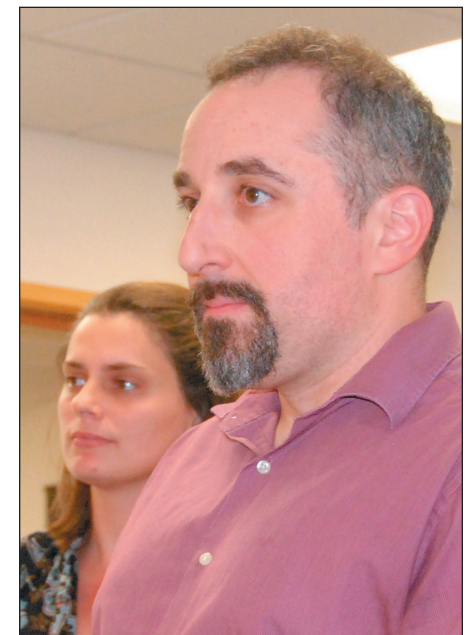
- Appoint
- Award Tenure
- Promote
- Terminate and Dismiss
- Declare Vacancies
- Transfer
- Retrench

State law requires that public employers negotiate in good faith “with respect to wages, hours, standards of productivity, and performance, and any other terms and conditions of employment.” Challenging negotiated provisions seems contradictory to good faith bargaining.

Unions have worked to enhance discretion of arbitrators as they depend on their negotiated contracts to defend job related rights. Fitzgerald said, “The sanctity of contract and its grievance and arbitration machinery is normally of overriding importance.”

The Grievance Manual will be sent to all chapter presidents and grievance

officers as a vital resource for defending members’ rights. ■



New MTA field representatives Bret Seferian will be the principal representative for the MCCC and Colleen Fitzpatrick will share some of the duties for the community college campuses in the eastern part of the state. (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.

There is a “Members Only” area with additional information. You log on to that with the same credentials as your MTA Members account. Don’t have an account? Create one using your membership card info at MassTeacher.org.

This Old Office Building...

Continued from front page

vidual issues are not surprising, but that so many came together is unusual.

Fortunately, the MCCC Treasurer and Finance Committee have been frugal, and there are funds in reserve to cover the expenses. Unfortunately, those funds will have to be replaced and taken from other priorities.

Buying the building has been a good investment. While the neighborhood had seen some decline in the past with many empty storefronts, it has seen significant development recently. Close to the DCU Center, and with Mass College of Pharmacy and Health Sciences (MCPHS) expanding significantly, it finds itself in a vibrant neighborhood. ■

Why Being in a Union Is Important to Me

By Jan Nettler

Holyoke Community College

Some background: The family with whom I grew up had no connections to unions (although I would venture to guess that they were supportive of unions). They all worked for small companies. So I'm not sure where my passion for unions began. Perhaps in high school and more so at the university where I became an activist for many issues.

The first time I had the opportunity to join a union was when I was a cook at a restaurant. I soon became the shop steward and participated in contract negotiations. When I started at HCC in 1979, I was a part time day Instructor. We weren't allowed in the MCCC then.

In 1981, I was hired as a full time Instructor. I immediately started going to union meetings. It wasn't long before I started volunteering. I was Chapter President, on the MCCC Board, grievance officer, MACER member, and newsletter editor (continuously since 1994). I attended many MCCC, MTA and NEA annual meetings. I also attended about 10 MTA summer leadership conferences at Williams College. I retired in 2007, but I still teach an online course. I am never on campus anymore, but I have continued to edit the newsletter.

There are several reasons why I find unions to be so important. I know enough about the history of workers in our country to know that if it weren't for unions, we would not have many of the basic rights that workers enjoy. In that last several years, unions have been falling out of favor. In these years, some of the benefits have been eroded. So I find that it is imperative that we continue to support our union and, when possible, other unions.

I have also worked at other workplaces where some workers were favored by management and others were not. Without the support of a union, I have seen some workers mistreated without any recourse. For example, I have seen women underpaid when men, doing the same

job, get more money. Ubuntu... I am because We are. "What am I" when I see others mistreated?

Unions help me and you get fair treatment. The union is there when my contractual rights are violated. The union is there to advocate for better conditions for me and for you. With a union, we are strong, we stand and fight together. Without a union, we are weak. Some might call me unpatriotic. I don't buy into the individualism that seems so ingrained in so many people in this country. I believe that we are responsible for our society. When my neighbors are well, when people I don't know

are well, when my co-workers are well, then I am well. That is what I call patriotism.

I believe it is my calling to help others. Being part of a union is one great step in that direction. I have received so much from MCCC. And I feel it is my responsibility to be active, because when I and you step up, our collective efforts are even stronger. It's been an honor for me to have served the MCCC in so many ways.

How can I be happy, when my coworkers are not? That's why unions are important to me.

Ubuntu: I am because We are. ■

Day Contract Funding Stalled

Funding for the Day contract is pending in the legislature, but it is wrapped up in a supplemental budget bill. When contracts get resolved while the state's main budget is being concluded, it is common situation for the appropriations to be bundled with other unaddressed financial issues.

MCCC Vice President Rosemarie Freeland reported that funding for the MCCC contract is in a larger bill that is hung up between the House and the Senate. There is no objection to the MCCC contract, but it is caught in a political tug-of-war over other issues.

It's not like the state hasn't got the money. The legislature passed a massive K-12 funding package. A surplus of about \$1 billion has been reported.

In an unusual situation, there are competing Senate and House supplemental budget bills. They are Senate 2386 and House 4132. They have been feuding since the summer.

The Comptroller of the Commonwealth had wanted to close the books as statute required on Oct. 31—and clearly that was missed.

November 20 was supposed to be the end of the formal legislative session where the budget can be addressed. This issue of the *MCCC News* was being before that date but has been held up a possibility that the impasse could be resolved. However, if it is not resolved by then, there is a strong possibility that there will be no action on funding until the formal session starts in January.

Several other state employee unions, covering thousands of workers, are in the same situation, and their leaders, including MTA President Merrie Najimy have written to the leaders of both the House and Senate Ways and Means Committees urging them to act in time.

A Work-to-Rule motion was brought a to the MCCC Board of Directors on Nov.18, from the Strategic Action Committee by VP Freeland to endorse a statewide action. Some chapters had already taken that step and are on Work-to-Rule: Quinsigamond, Mass Bay, and Mt Wachusett. Some intend to stay on it until the raises are in members' paychecks.

Freeland urged that members take action and contact their district legislators, especially if they are on their chamber's Ways and Means Committee. The MCCC has spoken to legislators about having the contract funding separated, but the response has not yielded any support to date.

Freeland coordinated a call-in campaign to legislators urging them to solve the impasse. At this writing, after Nov. 20 there is no resolution, but efforts will continue to push for contract funding.

At best, even if the funding had been passed by Nov. 20, members would be fortunate to receive their salary increases by the end of this year. There are a number of steps that have to be taken after funding is passed, the Governor signs the bill, and the bureaucracy has to processes the raises before paychecks are affected. If funding doesn't get passed until 2020, it could be February or March.

State officials reassure the unions that at least the raises will be retroactive whenever they arrive. That is cold comfort when the contractually earned money is not available. Some members may desperately need that money for expenses, but everyone is losing the value of that money as an investment earning interest. The state is getting that interest-even if more could be earned if the budget is passed.

In fact, State Comptroller Andrew Maylor told the legislature that because he couldn't file his annual report, he couldn't move funds into higher-yielding investments and has lost about \$1 million in additional interest. But, unlike employees waiting for retroactive raises, the state still earns some interest on the unspent salary funds.

The actual contracts are ready to print except for one final signature page that has to be finished, and management has been slow to complete. Once that is done, physical contracts will go to press and be delivered to campuses. The complete document is available now at the MCCC website. ■



MCCC Vice President Rosemarie Freeland is leading the Strategic Action Committee's actions to pass funding for the Day contract. (photo by Don Williams)

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:

Donald Williams
North Shore Community College
1 Ferncroft Road, Danvers, MA 01923

Or email:

Communications@mccc-union.org

Adjunct Sick Time Frought with Issues

Beginning last spring, Article 16 the DCE contract went into effect giving faculty teaching under that contract access to sick time. Prior to that, if a faculty member was sick, they had to schedule a make-up class to cover the absence. While the benefit is good to have, the implementation has been rocky.

On September 15, the colleges were supposed to notify employees of their accumulated sick time. Going forward, according to the contract: “*The semester’s anticipated complement of credit-based sick leave per semester shall be made available at the beginning of each semester. Unit members shall be provided at the time of the first full pay period of each semester their total per credit and/or hourly accrual of sick leave.*”

Members accrue just under six hours of sick time per semester for each 3-credit course taught (technically 1.928 hours per credit) at a College. This gives credit for preparation time outside of class

meetings. If someone calls in sick for a 3-hour class, they are supposed to be charged for just those hours. Also, with conditions, members can accrue up to 60 hours of sick time with a buy-out upon resignation from employment.

There is confusion on how the campuses are supposed to calculate and authorize sick time, with inconsistencies campus to campus. Some have been entered and applied by work area. And people who work at multiple colleges face even more complications.

In an Executive Committee meeting with DCE Grievance Coordinator Joe Rizzo, Secretary DeAnna Putnam explained what she had found out in tracking down her own sick time accrual between teaching at both Bunker Hill and Middlesex Community Colleges through the grievance process.

Pay advice statements will identify a member as being at one college, but the sick time accrual on the statement is for all the teaching done within the system. Despite that number, an employee can only use the time they accrue at the particular college where they accrued the time. Finding what time she had at each college took extreme effort that people should not have to go through.

Putting the blame on the state comptroller’s office, Putnam said, “The software doesn’t work for DCE payroll record keeping.” Data has to be entered manually for each DCE course taught, and the colleges lack the staff to do the job in a timely manner. “The Comptroller’s office needs to change the software as applied to DCE faculty.”

The union continues to monitor how

per-credit sick time is managed. It is only the first year the system is in effect, and the flaws are just appearing. The process is complicated, and management will

need to be prodded into making it efficient and accurate, and the Union will be pushing back. “What we really need,” said Rizzo, “is to hit a reset button.” ■

New DCE Negotiating Team Appointed

At its October meeting, the MCCC Board of Directors appointed six members to serve on the 2020-2023 DCE Bargaining Team.

The members are:

Swan Gates (CCCC)

Linda Grochowalski (QCC)

Joe LeBlanc (NECC)

George Medelinskas (NECC)

DeAnna Putnam (BHCC and MiCC)

Laura Schlegel (HCC and STCC)

The members bring a wealth of experience to the team. Gates and Grochowalski are the elected statewide Part-time/Adjunct Directors. LeBlanc is, of course, a former MCCC President. Medelinskas

is a retired full-time faculty member and former grievance officer who is now an adjunct. Putnam is the current MCCC Secretary. And Schlegel is an adjunct faculty member who is also the Holyoke Chapter President.

The DCE contract expires August 31, 2020, so the team has time to survey the membership and prepare an asking package. Actual negotiations won’t begin until next year.

Two DCE raises are scheduled for 2020 under the present contract. January 15 will see a 1.5 percent raise, and August 31 will see an additional 0.5 percent bringing the final rate for a didactic course at Step 4 to \$1367 per credit. ■



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

Free Life Insurance for Members

Members of the MCCC are also members of the National Education Association, and as an NEA member you are automatically covered by the NEA Complimentary Life Insurance (formerly known as NEA DUES-TAB) term life insurance. It is a guaranteed benefit for Active and Life members. All you need to do is register your beneficiary.

The free program offers \$1,000 of term life insurance, up to \$5,000 (depending on years of membership) of accidental death and dismemberment coverage, and up to \$50,000 of AD&D insurance for any covered accident that occurs while on the job or serving as an association leader.

To register your beneficiary or to obtain more information call 1-800-637-4636, or go to: <http://www.neamb.com/insurance/nea-complimentary-life-insurance.htm> ■

Know Your Day Contract December 2019

Dec. 1 Applications due for Sabbatical Leave beginning July 1 for professional staff or Fall semester for faculty (p. 27). 25

Dec. 22 Last day fall semester can end (p. 52). 49

Dec. 24 **Last Day of classes** Faculty submit college service and student advisement form (p. 51). 55

Dec. 25 Christmas (p. 25). 23

Dec. 30 Professional staff submit documentation of performance of duties and responsibilities including, but not limited to a log of student advisement, if appropriate, and college service activities (p. 59). 56

NOTE: Cited page numbers in parentheses are from the 2015-2018 Agreement, the numbers after that are from the 2018-2021 that is being printed.

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. ■

MOVING?

Please make sure the MCCC has your correct mailing address.

This affects receiving the newsletter, elections, important mailings and notices.



Call the office at
1-877-442-MCCC toll free
or go online at
<http://mccc-union.org/ChangeMyAddress/>



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