

NEWSLETTER

Volume I

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Number Five

NEGOTIATIONS: MEDIATION

"... The management team, chaired by Carleton J. LaPorte, determined, with the approval of President Houlihan, to discontinue bargaining... and file a petition for mediation..." (4/2/84 letter from Judy Wong to College Presidents)

"... The decision to file a petition for mediation is in keeping with the overall strategy agreed to by the Presidents at the last two Presidents' Council meetings." (4/2/84 letter from Judy Wong to College Presidents)

When parties have been unable to reach agreement and neither side has any further movement in negotiations, then one side or both sides may declare impasse with the Board of Conciliation and Arbitration (BCA). When only one side declares impasse, the BCA usually appoints someone to determine if impasse exists. The request is that a third party (mediator) be assigned to assist the parties in reaching an agreement. Once assigned, the mediator meets with each side separately to go through the outstanding issues. He will then attempt to bring the parties to a resolution. After 20 days, the mediator must make a report of his efforts to the BCA and will certify either that impasse continues, and he will recommend factfinding, or the parties are showing movement, and he will agree to continue with mediation.

On April 3, 1984, the Board of Regents, in keeping with the strategy of the Presidents, filed a petition for mediation. Elliot Klitzman was appointed mediator and met with the parties for the first time on April 6 at Mass. Bay Community College. He met first with Management's Team to discuss what they would accept to settle the contract. They informed him that they would agree to all of the tentative agreements (few) and to present contract language on the remaining articles. The mediator then met with our Team and asked that the MCCC Team explain each one of the outstanding issues. This took two days.

On April 9, the mediator met with Management's Team and presented some of the Union's priorities: retrenchment, workload, governance, evaluation, appointment/reappointment, and grievance/arbitration. The mediator informed the Union that management wanted more concessions before it was willing to negotiate.

On April 10, the Union presented six moves to management. The Union also indicated that it wanted to seriously discuss retrenchment, evaluation, workload and grievance/arbitration. LaPorte informed the mediator that the six moves were not enough and wanted the Union to drop more. The Union then presented a 15 step, integrated salary schedule. Mediation broke down when management refused to even acknowledge the Union's movement, wanted more concessions, and refused to counter with any proposals. The mediator stated that even though the parties were still at impasse, he would propose a cooling-off period. The parties would meet again on April 20.

On April 20, the parties met again, and the entire discussion centered around money. LaPorte still maintained that the Union's concessions were not large enough, but indicated that he was willing to engage in further discussions. The Teams agreed to continue mediation on April 25 and 27.

For a detailed list of Union demands, please refer to the February 17th Bargaining Update. This list accurately reflects where our Team is on major substantive issues.

Management is asking for current language plus the following demands:

Article I--Recognition & Definitions

1. To change several definitions.

Article IX--Supplemental Benefits

1. To limit the number of days a unit member may draw from the sick leave bank.
2. To delete personal days.

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"... The vast majority of demands to change current contract language come from the Union, whereas the Board has in the majority of articles simply demanded to maintain present contract language." (4/17/84 letter from Judy Wong to College Presidents)

Article X--Grievance Procedure

1. To make promotions, tenure and multiple-year contracts not arbitrable.

Article XI--Appointment & Reappointment

1. To return administrators to the bargaining unit at any rank, salary, and step; provided no unit members are displaced.

Article XIII--Workload, Work Assignment & Working Conditions

1. To reduce by four the number of sections of workload reduction for Union officers.

Article XIII--Evaluation

1. To modify the weights assigned to evaluation components.
2. To delete the written reasons provisions.

Article XIV--Promotions

1. To require priority ranking only up to the number of promotional opportunities available.
2. To create a promotion pool from the financial package merit pool, which would guarantee a minimum number of promotions regardless of availability of rank positions and to modify the language in 14.03 to reflect this.
3. To make promotion decisions not arbitrable.
4. To credit experience in higher education outside of the community college system on a one-for-one basis.

Article XVI--Filling of Vacancies

1. To eliminate the requirement that the Board have a system-wide vacancy list.

Article XIX--Retrenchment

1. To delete requirement of a Board vacancy list and to have each College send vacancy notices directly to the Union.

Article XXI--Salary

1. The parties are still apart on salary. Management is still demanding that almost 12 percent of our money be in various forms of merit.
2. That no provision of this article be arbitrable.

ANNUAL GRIEVANCE REPORT

Dennis Fitzgerald, MCCC Grievance Coordinator has completed his Annual Grievance Report. Your Chapter President, Board of Director and all MCCC Annual Meeting delegates have a copy. You are encouraged to look at this extensive and comprehensive document concerning MCCC grievances. The following is an outline of the report.

Grievances Filed		Grievances Pending		Resolved Grievances	
Step I (Presidents)	213	Step I (Presidents)	22	Step I (Presidents)	20
Step II (Regents)	171	Step II (Regents)	28	Step II (Regents)	15
Step III (Arbitration)	86	Step II (MACER)	39	Step III (Arbitration)	14
Labor Relations Comm.	16	Step III (Arbitration)	63		
		Prohibited Practice	7		
		Unit Determination	3		
		Total	162	Total	49
Processed	486				

Arbitrations		Prohibited Practice Charges		Unit Determination Petitions	
Filed	86	Filed	14	Filed	4
Won	3	Resolved	4	Resolved	0
Resolved	14	Issued	7	Issued	3
Lost	6	Dismissed	3	Dismissed	1
Pending	63				

RESOLVED
GRIEVANCES

No. Essex Community College refused to recognize temporary employees as unit members and the grievance was resolved prior to arbitration when the Board of Regents and the MCCC entered into an Agreement which stated that all temporary employees are unit members and are guaranteed all rights, benefits, duties, and obligations under the collective bargaining agreement.

Bunker Hill Community College refused to consult with the MCCC President or his designee prior to creation of advisory organizations or committees. The grievance was resolved prior to arbitration and the MCCC and the Board of Regents signed an Agreement which stated that the College administration shall consult with the president of the MCCC or chapter president prior to the creation of any new organization or committee.

The Board of Regents refused to follow the grievance procedures at Level II. Chapter President John Guarino of **No. Essex Community College** filed a grievance on behalf of a unit member who was terminated in violation of the contract. The Regents challenged his authority to file the grievance as an agent and officer in the Union.

Chapter President Michael Peregon of **Middlesex Community College** was denied access to relevant information submitted by the college administration.

Prior to arbitration both cases were resolved and an Agreement was signed recognizing a local chapter president as an agent and officer in the grievance/arbitration process. The Board shall also provide grievants and the Association with copies of all relevant information submitted by the college administration so as to enable the Union to present its case.

Three promotion grievances have been resolved prior to arbitration for three unit members at Springfield **Technical Community College**. Mary Harbak shall be promoted to professor effective September 1, 1984. Stephen Weisner and James Fitzgibbon shall be promoted to the next available associate professor position. If a position does not become available in 1985, their salaries shall be adjusted to a salary they would have received if they were promoted.

The MCCC and all of the above grievants were represented by Dennis Fitzgerald, MCCC Grievance Coordinator.

Plaudits

■ To the members of the Cape Cod Executive Committee for distributing all pertinent union information to their Board of Trustees at all Trustee meetings since September, 1983.

Boodits

■ To the Cape Cod Community College Board of Trustees chairperson, Dorothy O'Donnell and President Hall. At a recent Trustees meeting, the Chapter Vice President, Lore DeBower, attempted to pass out contract negotiations information, as usual, and was stopped by O'Donnell. DeBower was informed that she would no longer be allowed to distribute information to the Trustees directly. O'Donnell said that any information the Union wanted distributed would have to go through President Hall. O'Donnell also stated that the Union was not even to send materials through the mail unless it had first been approved by President Hall. President Hall confirmed what O'Donnell said and assured the Union that if they went through him, he would put them on the agenda. Since the Board of Trustees' meetings are open, public meetings, the Cape Cod Executive Committee felt that this was a violation of the Open Meeting Law and subsequently filed a charge against President Hall.

Plaudits

■ To No. Shore and Massasoit Community Colleges Boards of Trustees for supporting a fair and equitable contract settlement and salary parity, respectively.

Plaudits

■ To 1,000 No. Shore Community College students who have signed a petition in support of better pay for faculty.

Boodits

■ To No. Essex Community College President John R. Dimitry who is advising the unit members to "take the money and run." He stated that though the administration of merit pay would be **non-arbitrable** under the Regents guidelines, he believed the Board would be willing to set up faculty **advisory** panels to review any cases of alleged unfair treatment.

Boodits

■ To administrators at Bristol, Bunker Hill and other community colleges for getting raises while negotiations are continuing, and who will also get additional raises when our contract is settled.

**MCCC
HIGHLIGHTS**

MCCC has voted not to recommend any candidate for the Senatorial seat at this time, and is requesting that MTA VOTE, the political action arm of the MTA, withhold recommendation, also.

MCCC has received \$6,750 from the \$18,000 earmarked for higher education negotiations through the MTA.

Senate Bill 1479—a bill to have the Office of Employee Relations handle collective bargaining issues for higher education. The Board of Directors voted to recommend support of 1479 if additional language be included which would mandate that the presidents be at the bargaining table. All members are urged to contact their state senator expressing support. The Board supported this bill because of the lack of leadership and the difficulty of negotiating with the Regents.

CORRECTION

A letter was received from Carl Schilling, Dean of Academic Affairs concerning a "Plaudit" given to Middlesex faculty for adjourning his meeting. He stated in his letter, "... The meeting was theirs, not mine. It was in fact a meeting of the Middlesex Community College Faculty Association." The meeting was not **his** meeting, and since President Houlihan was ill, Dean Schilling was on the agenda to give a report. According to Michael Peregon, President of the MCC Chapter, "this meeting is indeed management's meeting since it consists of all unit members and administrators. It is structured like a company union where the workers are supposed to have input in the college governance. But, they can only make recommendations to the President and have no power to make decisions concerning governance.

**COMMUNITY
COLLEGE
CALENDAR**

- May 1** Recommendation of Multiple-Year and Tenure to Bd. of Trustees
- May 4-5** MTA Annual Meeting
- May 16** Student Advisement and College Service Logs to Division Chairs
- May 16** All new faculty evaluations completed and returned to faculty
- May 20** Last Day to Notify Unit Members of the May 1st Multiple year and Tenure recommendations
- May 25** Tentative Fall, 1984 class schedule to faculty

MCCC Newsletter

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15 **Community Colleges**
Roads to Education