

NEWSLETTER

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FACT FINDING BEGINS

The MCCC Negotiating Team and Management's Team met with the fact finder, James J. Healy, on July 2, 1984. At that time, ground rules were discussed with Judy Wong representing management. It was decided that management would present their side first when everyone meets again on July 11 and July 13. The fact finder has also reserved the right to meet with the parties ex parte after those dates, if necessary. Though there are a number of outstanding articles, in some cases only parts of an article are in dispute. After presentations are completed, it will be decided by both parties if briefs will be submitted to the fact finder, and he will prepare his report. The parties will then have ten days to review the report and resume bargaining in order to decide if the report is acceptable. After that ten-day period, the fact finder's report becomes public information, and the parties continue to bargain.

The fact finder, James J. Healy, has been a John G. McLean Professor of Business Administration and Professor of Industrial Relations at Harvard Business School since 1937. He is also the faculty chairman of the Harvard Trade Union Program.

He has written numerous books in the field of labor relations and has co-authored two best sellers, *Collective Bargaining*, with John T. Dunlap and *Impact of Collective Bargaining on Management*, with Slichter and Livernasch. He also contributed to and edited *Creative Collective Bargaining*.

He was Wage Stabilization Director and Vice Chairman of the first regional war Labor Board in New England during World War II, 1942-1945. He has been a member of many Presidential Emergency Boards involved in critical strikes of railroads, airlines, maritime longshoremen, and copper and rubber industries. From 1967-74, Healy was Chief Umpire for the Ford-UAW, and he is a permanent arbitrator for Goodyear Tire and Rubber, General Dynamics, Western Union and National Airlines.

He is a member of the American Arbitration Association, National Academy of Arbitrators, Industrial Relations Research Association and Federal Mediation and Conciliation Service.

Mr. Healy's expansive background makes him one of the country's labor-management resolution experts.

MCCC HIGHLIGHTS

■ Money has been appropriated in the budget for the affiliation of Boston Business School with **Roxbury Community College**. The actual integration of the faculty is still a matter of negotiations between the MCCC and the Board of Regents. In addition, the merger of Blue Hills Technical Institute and **Massasoit Community College** will be planned this year, with a proposed merger date of September, 1985. Committees are being established with Massasoit and Blue Hills to discuss the merger with relationship to academic programs and college service. Further, the MCCC will be meeting with the Blue Hills School Committee and Board of Regents to bargain over the contractual issues.

■ The raw data has been returned to President Rice concerning the presidential evaluations which were conducted this year. With a few exceptions, the twelve campuses who responded ranked their president in the average to the below average range in the area of communication and management.

■ Carol Doherty, former president of MTA, will be accepting a position in Governor Dukakis's administration. The specific position will be announced by the Governor within the next couple of weeks.

■ In a resolution passed by the Board of Directors and to be presented for endorsement to the MTA Board of Directors, the MCCC is requesting that the membership refrain from: buying insurance from Massachusetts Mutual (James Martin, Chairman of Regents and Chairman of Board of Massachusetts Mutual); making travel arrangement with Crimson Travel Service (David Paresky); purchase other than Wang computer equipment; and to refrain from dealing with E.G. & B. Corporation (David Beaubien). All of the above are members of the Board of Regents, and this resolution evolved from the Regents' resistance to bargaining in good faith with the MCCC.

IN THIS ISSUE:

- Negotiations Update
- Two Commission Wins
- Change in Regents

HIGHLIGHTS

■ The Community College presidents have had their election of new officers. We understand that George Traicoff, President of **No. Shore Community College** was elected president of the Community College Presidents' Council. It appears that the new Collective Bargaining Committee will be Dr. Gerard Burke, Massasoit Community College, who has been appointed Chairman, James Houlihan, **Middlesex Community College** and Theodore Provo, **Greenfield Community College**. The old Collective Bargaining Committee will evidently continue until present negotiations are completed and the new Bargaining Committee is phased in.

■ Dr. Clifford Peterson, President of **Quinsigamond Community College**, will be the President of the Presidents' Council of all the higher education segments.

■ Eleven campuses participated in graduation activities concerning our negotiations status. Activities included handing out leaflets to students and guests, wearing armbands and buttons, meeting with state representatives and a boycott of a president's reception. (Ed. Note: Graduations within the community colleges ranged from May 19 to June 10.)

■ The MCCC has been informed by the Massachusetts Labor Relations Commission that the MCCC has presented sufficient showing of interest to warrant a hearing to seek certification of an employee organization for the Division of Continuing Education employees. The MCCC is requesting organization of faculty teaching classes of three credits or more. The hearing has been set for August 20, 1984.

Plaudits

■ To Dr. Gerard Burke, President of **Massasoit Community College** for converting an instructor line to a full professor and waiving eligibility for promotion to assistant. After the promotion list had been announced, there was a promotion to assistant left unfilled. In addition, a faculty member resigned opening a professor line. President Burke agreed to convert the assistant line to full professor and also use the opening created by the faculty who had left. As a result, Massasoit had two additional promotions to fill, two to associate and two to assistant. Since there were no faculty eligible at the assistant rank, he waived time in rank and reopened the application for promotion to all instructors. He will announce the two additional promotions to assistant in the Fall after the entire process has been completed. This conversion and waiving of time in rank brought the total promotions for faculty and professional staff to 15.

Boodits

■ To the Board of Regents for granting salary increases to the community college presidents (presidents salaries now average \$60,000), making their salaries \$5,000 **over** the national average for public 2-year colleges. This makes their salaries commensurate with institutions with operating budgets between \$10 million and \$24 million and with full-time equivalent students of **between** 5,000 and 7,499. The average budget for each community college is approximately \$5.5 million with an average student FTE of 2,000. Though we do not begrudge the presidents salary increases which bring them well above the national average for public 2-year colleges, we cannot understand their resistance to raising our salaries, across the board, to the national average. Our salaries are approximately \$3,000 **below** the national average and the merit and bonus system management is insisting on only serves to suppress our salaries and will allow only a few the opportunity to get to or above national average.

SHIVELY ADMITS LABOR LAW VIOLATION

The Complaint issued by the MLRC concerning the charge filed against Maurice O'Shea, Executive Vice President, a campus police officer, and a security officer all from **Bunker Hill Community College** for prohibited activity against unit members has been resolved prior to a hearing at the Commission and has been signed by President Shively. This resolution acknowledges that O'Shea made threatening remarks to MCCC representatives at an Open House at Bunker Hill, and that he engaged in surveillance activities by taking photographs that included Association members and representatives engaging in the distribution of union literature. In addition, surveillance was conducted by a campus police officer, and a security officer removed Association leaflets from parked cars. The resolution stated that they interfered, restrained and coerced unit members in the exercise of their rights under the law. It further stated that no adverse action would be taken against any faculty member or professional staff member as a result of his or her participation. This notice must be posted for 30 days.

RESOLVED GRIEVANCES

The Director of Athletics from **Greenfield Community College**, John Palmer, was terminated because there was a deficit in his athletic account for the past two years. The grievance was resolved, and he will be reappointed as Director of Athletics. A pre-evaluation conference, a progress evaluation and a summary evaluation will be conducted by the College.

Edwin Chin-Shong from **Greenfield Community College** was retrenched, and his grievance was resolved. The College granted him a full year sabbatical at seventy-five percent of his salary. He will be on recall for three years with all rights and benefits and will have the right of first refusal for any part time or full time position.

The **Middlesex Community College** Chapter challenged the unit status of 14 employees. Four positions were clearly administration while nine received unit status with retroactive seniority. Another important point of this resolution concerned a temporary employee. It stated that persons employed on a full-time, temporary basis in unit positions are members of the bargaining unit.

Middlesex Community College resolved an issue of additional promotions by giving four additional promotions from Instructor to Assistant Professor effective September, 1984.

The MCCC filed a prohibited practice charge on behalf of the **Cape Cod Community College Chapter** against the College for refusing to provide the Chapter President, Helen Goolishian, with the authorized personnel list and refusing to provide Grievance Coordinator, Dennis Fitzgerald, information necessary for the processing of grievances. This went to a hearing at the Commission, and was resolved during the hearing. Both parties received the requested information.

In a resolution of 14.03 promotional quota grievances at **Quinsigamond Community College**, seven additional promotions were granted for this year.

A grievance was filed by the MCCC on behalf of the **Roxbury Community College Chapter** because the school held classes on Evacuation Day, March 17, even though all colleges observe that holiday. The grievance was resolved rescheduling the holiday to May 21, which was to be the Faculty Post-Planning Day. Professional Staff will receive compensatory time off.

All of the preceding grievances were handled by Dennis Fitzgerald, MCCC Grievance Coordinator (Jack Carpenter handled the Cape Cod charge at the Commission).

NEW REGENTS APPOINTED

Governor Dukakis has made new appointments to the Board of Regents since the terms of three Regents expire on August 1, 1984 — Fr. Francis Nicholson, former Judge John Fox, and An Wang.

Also, one of the two rumored resignations was announced which opened another slot. James R. Martin, of Longmeadow, and Chairman of the Board of Massachusetts Mutual Life Insurance Company, and Chairman of the Board of Regents, announced his resignation one year early. In an interview with the *Springfield Daily News*, Martin focused on too much faculty influence and participation in the running of the colleges and that he has . . . "seen too many decisions held up because of the faculty." He further stated that academic tenure should be eliminated since it stands in the way of change. He did admit that "curbing faculty power" would not guarantee speedier decision making, since most colleges and universities in the nation have faculty groups which are responsible for many decisions. He cited changes in budgeting, admissions, tuition policies, reorganization of campuses in Boston and increased cooperation with business and the private colleges in the state as major accomplishments of the Regents.

Governor Dukakis's announcement gives him 8 appointments or reappointments to the Board of Regents. The new Regents are Dr. Hassan Minor, Jr., director of the Corporation for Boston. He has been appointed to a five-year term. Paul N. Ylvisaker has been a professor at the Harvard Graduate School of Education since 1972. He was appointed for a year. Sr. Kathleen Harrington is director of the John E. Boyd Center for Child Care in Fall River, and has been appointed to a four-year term. Mary-Lou Anderson has been an instructor in the evening division at Assumption College since 1979 and has been named to a five-year term. Paul Marks is a former trustee of U. Mass. and founder of the Danforth Museum in Framingham. He is president of his own consulting firm, and has been appointed for one year.

Dukakis has reappointed Judge John J. Fox to a five-year term and has appointed David Beaubien to serve as Chairman of the Board of Regents.

It is hoped that this change of players will result in substantive improvements in attitude and commitment to public higher education in Massachusetts.

... "I think education should be run as a business, not as a social institution." . . . "One of the Board's major priorities . . . should be 'to tackle the problem of undue faculty influence on campus decisions. . . I don't oppose strong faculty unions, but there is no shortage of qualified teachers. If they want to quit, let them.'" (*Springfield Daily News*, Wednesday, June 20, 1984 article on James R. Martin, Chairman of The Board of Regents)

MCCC WINS TWO MLRC CASES

"...Under the circumstances that pertain here, President Houlihan's remarks to Peregon were indeed coercive and did constitute a violation of Section 1 of the Law." (Decision from MLRC, 6/7/84)

The Massachusetts Labor Relations Commission has handed down two decisions supporting the MCCC's charges of prohibited practice against James E. Houlihan, President of **Middlesex Community College** and against Paul Frydrych, Dean of Academic Affairs at **No. Shore Community College**.

The charge against President Houlihan arose when Michael Peregon, former Chapter President at Middlesex, went to a meeting for Division of Continuing Education employees to hand out Association flyers and authorization cards and to request that they support the Association's efforts to organize DCE. A number of cards were signed and returned, and various people asked questions about Michael and the Association. President Houlihan then spoke to Michael, accused him of doing a great disservice to the College, and in Michael's opinion, alarmed him by threatening his job security.

The Regents argued that the President's remarks were "merely an expression of his opinion, and do not violate the Law". The decision, however, stated that an "employer will violate the Law if it engages in conduct which reasonably tends to interfere with employees in the exercise of their rights, . . . and as a general principle, proof of illegal motivation is unnecessary to establish a violation. . . . An employer's conduct need not be directly coercive or threatening; it is sufficient if the employee may reasonably so perceive the conduct." Also, it is immaterial if the "coercion does not have its intended effect. . . since coercion is prohibited regardless of its success or failure." The president of a college has authority to act for and speak on behalf of the employer, and in this case, the President of Middlesex Community College made the offending remarks to an employee. In the opinion of the MLRC, Michael's rights under Chapter 150E were violated by President Houlihan. The Commission ordered that the Board of Regents "cease and desist from interfering with, restraining, and coercing Michael Peregon, or any other employee, in the exercise of his or his rights protected under the Law." The Board of Regents must post a Notice to Employees at all six Middlesex Community College campuses for 30 days stating they will refrain from violating Michael Peregon's or any employees' rights under Chapter 150E. This notice will be signed by James E. Houlihan, Jr., President, Middlesex Community College.

"... Frydrych's remarks to Noone were more than intemperate. They were specifically coercive, and amounted to a direct interference with Noone's right to resort to the grievance procedure. Thus, a violation of Section 10 (a) (1) of the Law is firmly established." (Decision from MLRC, June 21, 1984.)

The second decision from the MLRC concerned a claim by Thomas P. Noone from **No. Shore Community College**, that the Dean of Academic Affairs, Paul Frydrych, made certain threatening and anti-union remarks to Noone in retaliation for his pursuing a grievance to arbitration. The Commission issued a complaint and the case was heard in February, 1984. The charge arose out of a conversation between Noone and Frydrych when they were waiting to have Noone's promotion grievance heard at Step II. Noone testified that Frydrych stated, "... if the arbitration comes back in your favor, the president's not going to obey it, I'm not going to obey it, you're never going to get this promotion, and we don't give a damn about your union or you!" Though the Commissioner stated that testimony differed in some respects, he gave more credence to Noone's version, and rendered a decision stating that Noone's rights were violated by Dean Frydrych. The Commission ordered the Board of Regents to post a notice signed by Dean Frydrych stating that they "will not interfere with, restrain, or coerce Thomas P. Noone, or any other employee, in the exercise of his or her rights . . . and employees are free to file grievances, and to pursue the same to arbitration without interference . . ." This notice must be posted for 30 consecutive days.

MCCC VACANCIES POSTED

At the beginning of a new election year, all MCCC coordinator and committee positions must be opened and posted. All chapter presidents and directors have copies of the job descriptions and application forms. Deadline for application is **July 31, 1984**. The following is a list of vacancies: Research Coordinator, Grievance Coordinator, Legislative Agent, and Communications Coordinator. Committee vacancies and the number of vacancies are as follows: Delegate Assembly Committee--3; Finance Committee--3; and Bylaw and Rules--3.

Please return your Coordinator or Committee applications no later than **July 31, 1984** to: Prof. James F. Rice, Quinisigamond Community College, 670 West Boylston Street, Worcester, MA 01606.