

# NEWSLETTER

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## NEGOTIATIONS: FACTFINDING

"...After participating in the mediation process, I am convinced that management has no intention of attempting to settle this dispute..."

(Letter to George R. Shea, Jr., MTA General Counsel from Anthony E. Ross, Director of Higher Education, Organizing and Membership, April 30, 1984.)

On April 25, 1984, and after ten hours of mediation on that day and the Board of Regents unwillingness to meet the Union on any substantive language changes, the MCCC team voted to go to fact finding. It appeared as if management did not want to use the process of mediation as witnessed by the paltry offers made by their team. For instance, there was conceptual agreement on retrenchment, but what kept the parties apart was that the Union wanted to give the membership a mandatory retraining process in a new discipline rather than just being retrenched. Management wanted retraining to be at the sole discretion of the college president. In addition, there were major differences on workload, grievances and salary. The MCCC Team decided that the moves they received from management were not sufficient to continue with the mediation process, and they voted to go the fact finding.

Both parties have agreed on the services of James Healy to act as the fact finder, thus speeding the process of selecting a fact finder. The parties expect to hear from him this week with his acceptance. Fact finding is a process similar to arbitration in that each side presents its case to the fact finder on each outstanding issue. In addition, mediation may also continue during this process if both parties agree that they do not want to fact find an issue. Though the fact finder has 30 days from date of appointment to render a report, the parties may mutually agree to extend the time limits if there are a lot of outstanding issues. Once the fact finder issues his report which is nonbinding, the parties can continue to mediate and try to come to a resolution. Ten days after the fact finder makes his report, it becomes public. The parties then go back to the table and continue negotiations.

## TRUST FUND EXPENDITURES QUESTIONED

Each community college has regulated and unregulated trust funds. Some of the regulated trust funds are monies generated from the cafeteria, bookstore and vending machines, and the monies from these are to be used for student/campus use. The unregulated trust funds are monies that can be used at the president's discretion. It appears that the community colleges have been taking monies from the regulated trust funds—cafeteria, bookstore and vending machines—and transferring them to their All Purpose College Trust Fund (president's discretionary fund), and then sending a percentage to the Regent's Professional Services Trust Fund at Bunker Hill Community College. This trust fund, funded partially by student money, provides legal services—contract negotiations and administration—for the Regents and the community college presidents. According to a copy of the Board of Regent's Professional Services Trust Fund (Legal Services and Contractor Administrator/Hearing Officer) Financial Report for the period ended June 30, 1983, 15 colleges contributed \$149,754.10 for legal services and \$19,895.54 toward the salary of the contract administrator and hearing officer. It is estimated that this year, the colleges will donate approximately \$185,000 of trust fund monies toward this fund. Unlike the community colleges, the state college presidents hire a negotiator and pay his salary from their 01, state appropriated salary account.

The State Auditor at No. Shore Community College questioned the legality of these transfers in his audit report.

### IN THIS ISSUE:

- Negotiations Update
- Presidential Salary Increases
- MCCC, MTA Annual Meeting Highlights

## 3 PROHIBITED PRACTICE CHARGES FILED

James F. Hall, President of **Cape Cod Community College** has been charged with the violation of the labor law by not submitting to the Union the necessary information in order for the Union to process grievances. Since January, 1984, the Union has been requesting evaluation files be sent to the Grievance Chairperson to enable him to properly process grievances.

James F. Hall, **Cape Cod Community College**, James Houlihan, **Middlesex Community College**, Harold Shively, **Bunker Hill Community College**, and their administrative agents, have distributed and are distributing memos received from the Community College Counsel, Judith A. Wong, Esq. relative to collective bargaining negotiations and mediation. Said documents have been placed in faculty mailboxes at the various colleges and characterize the union proposals and positions in negotiations in a manner violating the MCCC's rights under Chapter 150E. These documents have also been given to Division Chairs with instructions to "share" them with faculty members.

President John Dimitry, **Northern Essex Community College**, and his agents, Dean Landry and Ms. Coyne, indicated their unwillingness to allow the presence of the Union President, John Guarino, at a meeting relative to the Regent's settlement of the Rubin Russell grievance. These administrators have bargained in bad faith by not implementing the agreed-upon resolution.

## PRESIDENTS GET PAY RETRO TO JULY 1, 1983

*"... It is also my intention to extend to the Presidents certain fringe benefits, including systemwide tuition remission for spouse and dependent children, that they do not currently enjoy. ..."*  
(Letter to Chairpersons Board of Trustees of Public College and Universities from John B. Duff, Chancellor, April 30, 1984.)

In a letter dated April 30, 1984, from Chancellor Duff to the Chairpersons of Boards of Trustees of Public Colleges and Universities, Chancellor Duff reported that the Regents will take recommendations from boards of trustees for Presidential salary increases. For Fiscal Year 1984, presidents can receive a six percent increase **retroactive to July 1, 1983**. In addition, boards may recommend an additional one, two or three percent increase, **retroactive to July 1, 1983**, for meritorious performance. Merit increases for this year were given without any evaluation instrument or criteria from the Regents. According to Duff, "A Presidential Evaluation Model is being developed and will be available to boards of trustees for use in making Merit Awards in Fiscal Year 1985 and 1986." A trustee from Massasoit Community College objected to the process of awarding merit without criteria and an evaluation instrument, but another trustee stated that this was only a "technical objection. It is only common sense — just look around. Three percent is a small amount of money (approximately \$1500), and we don't need an evaluation form."

In addition to presidential salary increases, the Regents are extending certain fringe benefits to the presidents, including systemwide tuition remission. The administrative staff are expected to receive approximately a seven percent increase retroactive to September, 1984.

## NO USE FOR MERIT PAY

Ted J. Comstock has no use for merit pay for teachers. He doesn't feel merit pay is a very good way of improving the nation's public schools.

Ted J. Comstock's opinions about merit pay figure to get a lot of attention over the coming year. Comstock, a 59-year old Idaho dentist, has just been sworn in as the new president of the **National School Boards Association**.

Comstock says the biggest problem with teachers' pay is the low starting salaries for beginners—something merit pay won't help.

Merit pay won't produce "any substantial change in classroom performance" and could cause administrative and morale problems, adds the School Boards Association's new leader. (NEA Today, 4/9/84)

## Plaudits

■ To Middlesex Community College for 17 promotions effective September, 1984. The College originally announced 12 promotions, but since there were so many faculty in the Instructor rank, the College announced five more making the total 17.

## Boodits

■ "The Regents has also approved a \$47,000 petty cash trust fund for Chancellor John B. Duff to be funded through voluntary contributions from presidents of public four-year institutions. Regent Chairman, David Beaubien, said that the trust fund was made because the Regents have no discretionary funds for such expenses as sending flowers to funerals. The petty cash will emerge from interest on the \$47,000 from the presidents who have discretionary funds in their budget." (From an article in the *Morning Union*, Springfield, May 10, 1984)

## A SALUTE

*"Since the quality of OUR education is significantly influenced by the morale of the faculty and staff, it is imperative that a contract fostering motivation through dignified work conditions be promptly obtained." (Letter to Governor Dukakis from Committee for Faculty Support, May 5, 1984.)*

To the students from **North Shore Community College** who have been actively involved in the MCCC's contract negotiations during the past year. They are to be commended for their vocal and written support in their student newspaper, the local newspapers and at the Board of Trustees meetings. They call themselves The Committee for Faculty Support and have recently written to the Governor requesting an appointment in order to present him with the petitions signed by over 1,000 students from No. Shore. The petition expressed the students' support for faculty and professional staff in obtaining a just and equitable contract, and requested that the Regents, Presidents, Boards of Trustees and Governor work for a rapid resolution of the outstanding issues which are delaying contract settlement. Members of this committee are Robert Nyberg, Chair, Carole Stelline, James Zavaglia, Gail Mountain, Sherill Moulton and John McCaul, student trustee.

## GRIEVANCE RESOLUTIONS

N. Hillier, **Greenfield Community College** was improperly placed on the salary schedule and grievance was resolved moving her to the correct level and step.

K. Elcox, **Bunker Hill Community College** resolved a job description issue and the description and objectives were mutually agreed to consistent with past practice.

J. Cleary, **Massasoit Community College** will have the opportunity, together with Dennis Fitzgerald, MCCC Grievance Coordinator, Carolyn Young, assistant to Judy Wong, and President Gerard Burke, to discuss perceived procedural problems with the promotions effective 9/1/82 and 9/1/83. The president will review Mr. Cleary's applications for promotion and render a written decision for his ranking. The president's decision may be appealed to Arbitrator Twoomey as a new arbitration.

D. Fitzgerald, **Massasoit Community College**. The College shall consult with the President of the MCCC or his or her designee prior to altering office space currently in use by unit members and the College shall make reasonable efforts in maintaining the existing assigned space and necessary equipment currently in use by Prof. Fitzgerald.

**Massasoit Community College**. The College will maintain existing technical assistance, and has hired an assistant in the copying center.

K. Irwin, **Middlesex Community College**, will be reevaluated based on unsatisfactory evaluation and procedural violations for the period of 1/15/82 to 1/15/83. If the reevaluation is unsatisfactory, the immediate supervisor shall also attach a statement of reasons in accordance with Article 13.05.

J. McCosh, **Northern Essex Community College**, will be assigned a division and college-wide order of priority for promotion to the rank of Assoc. Professor for the 1982-83 academic year.

R. Russell, **Northern Essex Community College**, was illegally transferred, and this transfer with concomitant changes in work responsibilities constituted an involuntary transfer in violation of Article XVII. The grievant must be restored to his former position in the Office of Students with Disabilities.

## LEGISLATIVE UPDATE

There has been an amendment (outside section) attached to the budget which would cut by approximately one-half the Regents tuition increase for higher education.

In addition, a bill, Senate 2037, has been filed to establish a tuition advisory board which would review tuition policies of the Regents and would report findings and recommendations to the Regents each year. The committee would be appointed by the Governor and would consist of three financial aid officers, three presidents and three undergraduate students, one from each segment, elected for a two-year term with the exception of the student representatives who would be elected for one year terms. This bill has been reported favorably out of Committee.

## MCCC ANNUAL MEETING HIGHLIGHTS

- Roxbury Community College and Boston Business School have affiliated.
- The Negotiating Team has made 47 campus visits since September.
- The MCCC has incorporated and has successfully completed its first formal audit.
- Higher Education has a full-time lobbyist, Rick O'Neill.
- Formulation of a systemwide sex discrimination suit is in progress.
- Organization of part-time and DCE faculty continues.
- Dues increased by \$9 for salaries of statewide officers, coordinators, and chapter presidents' and to help defray cost of fact finding.
- A motion from John Murray, **Massasoit Community College**, passed unanimously "commending the MCCC leadership for its past negotiating efforts, and does render its endorsement of trust in, and support for a continuation of these same efforts in the future."
- The delegation passed a motion that the MCCC Board of Directors be authorized to call for a work stoppage or a strike meeting for the entire membership concerning the September opening of the colleges in the event final bargaining impasse is reached.

## MTA ANNUAL MEETING HIGHLIGHTS

- After a five-year battle, wall-to-wall organizing passed. This provides active membership to additional educational support personnel. Previously, membership was limited to instructional aides, school nurses, secretaries and clerks (instructional and office).
- The delegates passed the segmental board, or one person-one vote principle for representation on the MTA Board of Directors. This means that the MCCC, and each segment of higher education will have its own board member.
- Since there were no dues increase last year, this years increase will be \$20 per member.
- Local aid (reimbursement) from the MTA to the locals was increased from \$12 per member to \$20 per member.

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MCCC Newsletter

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