

DRAFT
10/26/07

BEFORE MICHAEL C. RYAN, MEDIATOR

MASSACHUSETTS COMMUNITY COLLEGE
COUNCIL/MTA

-and-

BOARD OF HIGHER EDUCATION,
MASSACHUSETTS COMMUNITY COLLEGES

Unit Placement of
Positions

RECOMMENDATIONS

For the Community Colleges

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For the Massachusetts Community College Council

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I. Introduction

The Massachusetts Community College Council (MCCC or Union) represents a bargaining unit of full-time and part-time day faculty and professional staff employed in the Commonwealth's community college system. This case concerns a large number of positions at the colleges, which the MCCC seeks to accrete to its bargaining unit. The colleges (Employer) oppose that effort on various grounds.

The parties initially sought to resolve this dispute by filing unit clarification (CAS) petitions with the Massachusetts Labor Relations Commission (MLRC). Finding this procedure time-consuming and cumbersome, they instead agreed to submit the positions to mediation and, if necessary, interest arbitration, with the understanding that any interest arbitration decision on the inclusion or exclusion of each position would be final and binding.¹ Accordingly, the parties executed the following memorandum of agreement:

The parties have agreed to resolve certain bargaining unit clarification issues through mediation and arbitration. Mediation will be limited, initially, to generic arguments leading to recommended conclusions based on both MLRC statute and case law and bargaining unit history.

The recommendations of the mediator shall be treated as fact-finding recommendations which will be designed to resolve all submitted cases.

If the recommendations of the mediator are not fully accepted by both sides, then the parties will proceed to binding arbitration.

The parties agree that the categories of argument for exclusion advanced by the Employer shall be the only arguments applicable to each position for the

¹A secondary objective was to have the arbitrator recommend a joint union-management procedure for determining similar unit-placement issues in the future. Ultimately, it was decided to have the arbitrator undertake that task in a separate decision, after resolving the more immediate matter of the disputed positions.

duration of the mediation/arbitration process, unless exceptions are made prior to submission for the initial recommendations of the mediator.

The parties are free to modify this agreement at any time by agreement. Binding arbitration, if necessary, will incorporate the initial recommendation and will be conducted by an arbitrator or arbitrators jointly selected by the parties.

The parties presented evidence and arguments during days of hearing on July 11, July 30, August 1, October 18, November 1 and November 15, 2001, a number of conference calls in 2002, November 19, 2003, March 4, 2005, and January 4, 2007. The parties were able to agree to the inclusion or exclusion of some positions, but many remain in dispute. Each party submitted briefs containing arguments on those positions.

In this phase of the proceeding, the parties have asked me to provide clear and concise answers to four issues, and then to apply those answers (along with established unit-placement principles) to the disputed positions. The four issues² are:

1. Should positions that require less than a Masters Degree be excluded from the existing faculty and professional staff bargaining unit?

² The parties indicated that they might submit a fifth issue concerning the includability of short-term employees, or, alternatively, an agreement as to the necessary duration of employment to be included in the unit. Ultimately, they did not do so.

2. Should faculty and/or professional staff that provide academic support to non-credit or DCE courses and/or students be excluded from the professional staff bargaining unit (inclusive of DCE and Business & Industries)?
3. Should faculty and/or professional staff that provide services through community service programs be excluded from the unit on the basis that the work performed is either non-academic and/or provided to non-community college students?
4. Whether each professional staff identified by the College as managerial should be excluded as managerial under the statute.

II. Factual Background

A. History of the Bargaining Unit

In 1976, the MLRC certified the MCCC as the representative of a bargaining unit consisting of all full-time professional faculty and academic support personnel.³ In the certification proceeding, the Employer proposed a two-unit structure, with Unit A consisting of faculty and

³ The 1976 certification is not in evidence. According to a later MLRC decision, Mass. Board of Regents, 12 MLC 1096 (H.O. 1985), there was a subsequent certification in 1983, which described the bargaining unit as:

All regular full-time professional faculty personnel and academic support personnel including the following job titles: Instructor, Assistant Professor, Associate Professor, Librarian...Assistant Librarian, Cataloguer, Coordinator of Student Activities, Placement Officer, Health Care Counselor, Counselor, AV/TV Coordinator, Director of Instructional Media...Director of Cooperative Education.

Unit B comprising administrative or support personnel. Community Colleges, 2 MLC 1146, 1147 (1975). The MLRC rejected this in favor of a single unit, finding,

a strong presumption - unrebutted by the Employer - that teaching and allied 'administrative' or professional personnel, engaged in the delivery of 'educational' services, share a requisite community of interest supporting representation in a combined unit. Id. at 1147-48.

In 1986, the MLRC approved a separate bargaining unit of all full and part-time professional employees teaching credit courses in the community colleges' Division of Continuing Education (DCE), excluding managerial and supervisory personnel. Mass. Board of Regents, 13 MLC 1173 (1986). Typically, these employees work in the evenings. Over time, however, the parties developed a practice of placing new part-time professional positions in the DCE unit regardless of whether they are day or night positions.

In 1988, the MLRC added part-time day faculty and part-time day professional academic support personnel to the existing unit. Mass. Board of Regents, SCR-2190 (slip op. 3/30/88). The MLRC specifically found that these employees had a community of interest with their full-time counterparts, and were therefore appropriately included in the full-time unit. Id. at 10. Appended to the MLRC's

decision was a list of the positions to be added to the unit. These included:

Berkshire CC
Lab Technician

Bristol CC
Coordinator, Women's Service Center
Coordinator, Fitness Center
Director, Fit for Life Program

Greenfield CC
Writing Tutoring Specialist

Massasoit CC
Coordinator, Center for Women
Professional Tutor

Mt. Wachusett CC
Special Projects Tutor
Professional Tutor
Coordinator, Adult Basic Education Grant
Coordinator, Prison Program
Advisor, Welfare Grant
Coordinator/Counselor, College Reentry Program

North Shore CC
GED Staff Assistant

Northern Essex CC
Staff Assistant, Lawrence Resource Program
Tutor
Staff Assistant, Center for Business & Industry⁴
Staff Assistant, Coordinator Automated Office Skills Grant;
Staff Assistant, Academic Advisor/Job Developer, Automated Office Skills
Consultant, Life Long Learning Project⁵

⁴ The Center for Business & Industry, established in 1985 at Northern Essex Community College, develops non-credit seminars and workshops for employees of participating businesses, which are offered on-site or on campus. The seminars are offered both during the work day and at night. All faculty are hired through DCE.

⁵ These titles were substantially altered by the classification study described below.

Chemistry Lab Assistant

Roxbury Community College

Tutor

Recruiter

By the mid-1990s, titles within the bargaining unit had proliferated, resulting in inconsistent and sometimes inequitable treatment of similarly situated positions. In 1999, the Union and the Employer retained a consultant to analyze and, if necessary, reclassify every position in the bargaining unit. The outcome was 70 professional staff titles with corresponding job descriptions and minimum qualifications. The parties agreed to adopt this classification system as the basis for all hiring and employment standards for the bargaining unit. Of the 70 titles, 37 require a master's degree, 32 require a bachelor's degree, and one requires an associate's degree.

There are two other bargaining units of day employees in the community colleges, both represented by AFSCME. Generally speaking, these bargaining units (sometimes referred to as the "classified units") include clericals, maintenance workers, security personnel, and the like, along with some specialized positions like computer repairers and lower-level lab technicians.⁶ There are also

⁶ The parties submitted a list of classified titles used throughout the Massachusetts higher education system, dated

two categories of unrepresented employees: the so-called non-unit professionals (corresponding to the contractual definition of "Administrator"), and classified employees who are not in a bargaining unit. It should be noted that it is not the purpose or intent of this decision to decide whether any given position belongs in one of the classified units. AFSCME is not a party to this proceeding and its position regarding any position is not known.

Article I, Section 1.01, of the parties' most recent collective bargaining agreement describes the bargaining unit as follows:

...all regular full-time employees occupying the positions described in Appendix A and...all regular part-time faculty teaching credit courses and all part-time daytime academic support personnel including employees holding the job classifications listed in Appendix A.

The Board agrees to apply the applicable provisions of this Agreement to those employees whose source of remuneration is derived from non-state appropriate funds and who perform the functions of any of those positions delineated in Appendix A, to the extent that the terms of their respective grants or non-state appropriate funding source and the level of funding thereunder allow...

The referenced Appendix A lists the following positions:

Instructor	Disabilities Counselor
Assistant Professor	Enrollment Counselor
Associate Professor	ESL Skills Specialist

1992. Some of these titles are designated "professionally recruitable."

Professor	Financial Aid Assistant
Academic Coordinator	Fitness Center Coordinator
Academic Counselor	Grants Writer
Admissions Counselor	Health Care Counselor
Assessment Assistant	Help Desk Technician
Assessment Officer	Instructional Support Technician
Assistant Coordinator for Student Activities	Lead Teacher
Assistant Librarian	Learning Disabilities Specialist/Transition
Assistant Registrar	Learning Specialist
Biology Laboratory Technician	Learning Specialist Critical Thinking
Career Development Counselor	Learning Specialist Disability Services
Career Development/VA Counselor	Learning Specialist Math Skills
Career Placement Counselor	Learning Specialist Reading/Writing
Career Services Representative	Librarian
Community/Outreach Counselor	Literacy Specialist Adult Education
Coordinator Academic Computing	Programmer
Coordinator Alternative Studies	Publications Coordinator
Coordinator Athletics	Recruitment Counselor
Coordinator Career Planning/Placement	Reference Librarian
Coordinator College Graphics	Senior Academic Counselor
Coordinator Cooperative Education	Senior Admissions Counselor
Coordinator Disability Services	Senior Community/Outreach Counselor
Coordinator Fine Arts Center	Senior Learning Specialist/Critical Thinking
Coordinator Forensic Laboratory	Senior Programmer
Coordinator Health Services	Senior Programmer
Coordinator Instructional Technology	Senior Staff Assistant
Coordinator Learning Resources	Senior Special Programs Coordinator
Coordinator Multi-Cultural Center	Special Programs Coordinator
Coordinator Returning Adults	Staff Assistant
	Student Activity Officer
	Teacher

⁷ The title of Technical Specialist II was also included in the AFSCME classified unit in the 1986-89 AFSCME Agreement, although it is not known what job duties are associated with that title.

Center
Coordinator Student
Activities
Coordinator Student
Assessment
Coordinator Television
Programming

Technical Services Librarian
Technical Specialist⁷
Transfer Counselor
Travel Agent Program
Coordinator

About three-quarters of the bargaining unit are faculty, and the others are staff. There is no dispute that grant-funded positions are in the bargaining unit and receive all the benefits of the Agreement except the provisions relating to reappointment or retrenchment.

Section 1.01 contains the following relevant definitions:

Classification Study - ...the Commonwealth of Massachusetts Board of Higher Education Classification and Compensation Study within the Massachusetts Community College Council Unit, dated August 20, 1999, as amended.

Part-Time Professional Staff Member - a unit member employed for any part of the fiscal year including employees holding the job classifications listed in Appendix A whose primary duties are other than teaching and who are employed to work less than thirty-seven and one-half (37½) hours a week.

Professional Staff Member - a unit member whose primary duties are other than teaching.

Temporary Employee - one employed as a unit member to substitute for a unit member holding a regular, multiple year, or tenured appointment for a period of one (1) year or less for the purpose of replacing a unit member on leave or whose employment ended prior to the completion of the fiscal or academic year.

III. Contentions Of The Parties

These are the parties' general, overall arguments that apply to all of the disputed positions. Their specific arguments regarding individual positions are set forth in the succeeding section.

The Employer. The only positions that belong in this unit are professional staff that provide academic support for courses offered for credit to community-college students. Any other position lacks a community of interest with the existing unit.

To determine whether employees share a community of interest, the MLRC considers such factors as similarity of skills and functions, similarity of pay and working conditions, common supervision, work contact, and similarity of training and experience. Many of the disputed positions do not share even a remote community of interest with the unit. They are not involved with college students, do not provide services directly or indirectly for credit courses, and do not support faculty. Even if a disputed position is similar to a job title in Appendix A

of the Agreement, that is not dispositive. Appendix A is outdated and chaotic.

Many of the disputed positions do not meet the definition of professional under G.L.c. 150E, §1, because they do not require an advanced degree. They do not belong in a unit composed entirely of professionals with advanced degrees. Boston Water & Sewer Commission, 7 MLC 1439, 1448 (1980).

Community-service positions, and positions that provide support to non-credit/DCE courses and/or DCE students, were never intended to be in the unit. The MLRC's original certification refers to "academic support" personnel. To be in the bargaining unit, a position must provide academic and/or professional services to college students. Even if they are professional, positions in community-service programs have no community of interest with the unit. Such programs are aimed at displaced workers, high-school students, adults without basic literacy and the like, and are often not even on campus. If the parties included such positions in the unit in the past, this was by error or oversight.

Some of the disputed positions are managerial or casual and excluded from the coverage of G.L.c. 150E. The Union seeks to include positions that work for short

periods of time, sometimes only a few weeks, with no expectation of continuing employment. The Commission has historically excluded seasonal and/or casual employees from a bargaining unit.

The MCCC. The Employer's would-be exclusion of positions that perform work that is not directly related to delivering instruction to college students would exclude most professional staff throughout the higher education system, for example, employees in the registrar's office or counseling services. The parties have not applied such an overbroad exclusion in their 30-year bargaining relationship.

The unit has long included community-service positions. The MLRC has frequently found that positions that provide academic support to non-credit courses and/or non-college students have a community of interest with this bargaining unit. When part-timers were added to the unit in 1988, the unit description included titles exactly like, or similar to, those that the Employer now contests, such as Director, Fit for Life Program; Coordinator, WAVE Project; Coordinator, Prison Program; GED Staff Assistant; and Staff Assistant, Center for Business & Industry. In CAS-3058, the MLRC included the Tech Prep Project Director in the unit even though the students in the program were

from local high schools. In CAS-3107, the MLRC included the position of Curriculum Development Specialist in the Center for Business & Industry, which develops non-credit workshops for employees of participating businesses. The Employer now seeks to exclude similar positions only because this component of the colleges' mission has grown. But the Employer's current arguments are exactly the same as the ones that did not prevail in prior MLRC proceedings.

Limiting the bargaining unit to positions that require a master's degree or more is contrary to both the history of this bargaining unit and the decisions of the MLRC. There is no bright-line degree requirement for the statutory criterion of "advanced study." Rather, the question is whether the position requires some appropriate kind of advanced study within an institution of higher education. Even if a position does not meet this test, it may be in the unit by virtue of bargaining history. If a similar title appears in Appendix A, that demonstrates that the parties themselves consider the disputed title to be appropriately included in the unit. Even if a title is included on the Commonwealth's list of classified titles, that does not necessarily make it nonprofessional, because the list itself acknowledges that some classified titles are "professionally recruitable."

The Employer has claimed that six positions are managerial: Staff Associate, RN Program; Director of Children's School; Assistant Director/Fitness & Wellness; Director, Forest & Wood Products; Director, Television Production Services; Assistant Director of Admissions; and Grant Writer. But there was no convincing evidence that any of these positions meet the MLRC's standards for managerial employees.

IV. Discussion

A. The Four Issues

The parties agree that to be included in the bargaining unit, a position must be (1) professional, (2) not managerial, and (3) not clerical. The standards they have mutually adopted for each of these factors are drawn directly from G.L.c. 150E and MLRC precedent.

While generally agreeing that professional employees should be included and managerial and clerical employees excluded, the parties disagree on several particulars. The Employer maintains that professional status requires an advanced academic degree, that is, a master's degree or more. More broadly, the Employer argues that employees who provide academic support to non-credit courses, or to non-college students, or that work in community service

programs, lack a community of interest with their more traditional colleagues. The Union disagrees with these proposed exclusions.

1. Should positions that require less than a Masters Degree be excluded from the existing faculty and professional staff bargaining unit?

"Professional employee" is defined in G.L.c. 150E, § 1, as:

...any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work, (ii) involving the consistent exercise of discretion and judgment in its performance, (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes.

While the Employer argues that "knowledge of an advanced type...customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning...as distinguished from a general academic education" connotes a master's degree or higher, I note that it has not made that argument consistently. For example, although the positions of Director of Television Production Services at Bristol CC, Assistant Director of Admissions at Mt. Wachusett CC and

Grant Writer at Berkshire CC do not require master's degrees, the Employer does not claim that they are not professional. Notwithstanding their lack of an advanced degree, these are obviously skilled positions that require education, training, experience, and intellectual sophistication. There are many such positions in this bargaining unit.

The statutory definition does not tie professionalism to any particular type of advanced degree and, in my opinion, it would not comport with the realities of this bargaining unit to do so. The MLRC originally certified this as a combined unit of faculty and "allied 'administrative' or professional personnel, engaged in the delivery of 'educational' services" because the two groups share a community of interest. Community Colleges, 2 MLC 1146, 1147 (1975). To use a master's degree as a bright-line test for inclusion would effectively divide these two groups, contrary to the MLRC's determination. Many unit positions that require only a bachelor's degree involve broad responsibilities, independent judgment, and skill. While the level of formal higher education is certainly an important factor to be considered, it is not the determining test for inclusion in the unit.

2. Should faculty and/or professional staff that provide academic support to non-credit or DCE courses and/or students be excluded from the professional staff bargaining unit (inclusive of DCE and Business & Industries)?
3. Should faculty and/or professional staff that provide services through community service programs be excluded from the unit on the basis that the work performed is either non-academic and/or provided to non-community college students?

I do not agree with the Employer's contention that employees who teach non-credit courses, or who work in community-service programs that do not directly serve college students, lack a community of interest with this bargaining unit. That assertion is inconsistent with the way the MLRC and the parties themselves have treated this bargaining unit.

The MLRC has never stated that employees who teach or support non-credit courses or work in community service programs lack a community of interest with their more traditional academic colleagues. To the contrary, in the Commission's 1988 decision accreting part-timers to the bargaining unit, several of the positions added were obviously community-service positions dealing with non-college students: Coordinator, Adult Basic Education Grant; Coordinator, Prison Program; Advisor, Welfare Grant; GED Staff Assistant; Staff Assistant, Center for Business &

Industry; and Consultant, Life Long Learning Project. It is true that when the MLRC created the DCE unit in 1986, it excluded some faculty teaching non-credit courses. However, this was not because the courses were non-credit, but because the MLRC was unable to determine whether the faculty had the requisite continuity of employment to warrant the conclusion that they were not "casual." Mass. Board of Regents, 2 MLC at 1184-85.

Article I, the parties' recognition clause, describes the bargaining unit as:

all regular full-time employees occupying the positions described in Appendix A and...all regular part-time faculty teaching credit courses and all part-time daytime academic support personnel including employees holding the job classifications listed in Appendix A.

There is no suggestion in this language that: community-service positions, or positions that do not directly serve college students, are *per se* excluded from the bargaining unit; or full-time employees and part-time academic support personnel are excluded from the unit if they are involved with non-credit offerings. In fact, Appendix A includes at least three titles that are, on their face, engaged in community-service activities: Senior Community/Outreach Counselor, Community/Outreach Counselor, and Literacy Specialist Adult Education.

Although the Employer asserts that Appendix A is outdated, haphazard, and chaotic, it is a standard principle of the interpretation of labor agreements that the parties do not include meaningless language in their agreements. The parties included Appendix A as part of their recognition clause. They must have intended the titles there listed to mean something.

Additionally, a narrow view of the bargaining unit does not comport with the generally understood mission of community colleges that they serve a nontraditional population, including individuals who may not be destined for a bachelor's degree or who need special help to attain one. For example, the disputed position of Staff Associate/Business Office Technology and Adult Learning Center helps individuals that are on welfare or unemployed attain the education and training that is necessary for long-term employment. Community-service programs like this tie these students into the community-college system and may end up preparing them for matriculation.

In sum, it would disregard the nature of community colleges to exclude college employees because they work in community-service programs providing services that are not "academic" in the most strictly conventional sense of that

term. Such programs and services are an integral part of the colleges' mission.

4. Whether each professional staff identified by the College as managerial should be excluded as managerial under the statute?

The standards for managerial status under G.L.c. 150E are fairly narrow. The MLRC has stated that employees are managerial if they (a) participate to a substantial degree in formulating or determining policy, or (b) assist to a substantial degree in the preparation for or the conduct of collective bargaining on behalf of a public employer, or (c) have a substantial responsibility involving the exercise of independent judgment of an appellate responsibility not initially in effect in the administration of a collective bargaining agreement or in personnel administration. Lee School Committee, 3 MLC 1496 (1977). To be considered managerial, "the scope of the employee's discretion in formulating policy must be significant in relation to the mission of the public entity or the employee's decisions must impact a significant aspect of the public entity... [There must be] not only the authority to select and implement a policy alternative but also regular participation in the policy decision-making process." Higher Education Coordinating Council, CAS-3058, slip op. at 13.

The Employer has claimed that six of the disputed positions are managerial, and these will be considered individually under the foregoing standards.

B. The Individual Positions

STAFF ASSISTANTS⁸

3156 Staff Assistant, Tech Prep Consortium - Greenfield CC

Manages daily operation of the Tech Prep office. Provides secretarial support for the Tech Prep Coordinator and Counselor. Works with the college business office on budget management and billing. Occasionally represents the tech prep coordinator at consortium meetings.

Bachelor's degree required. Experience in office management. Familiarity with database development using PARADOX and experience managing grant-funded programs preferred.

Employer: The position is not professional. It requires only a general academic bachelor's degree. The job duties are predominantly secretarial. The position of Staff Assistant is also in the classified unit.

Union: Because Appendix A lists the position of Staff Assistant, it must be included in the MCCC unit. Indeed, there are currently Staff Assistants in the unit. The position is not clerical but a hybrid of a professional and an administrative assistant.

⁸ The parties indicated that they might try to agree on a set of standards for inclusion of particular Staff Assistant positions. In the absence of such an agreement, I have identified the factors that led me to include or exclude the positions at issue.

DECISION: Included. The inclusion of Staff Assistants in Appendix A strongly weighs in favor of including the Staff Assistants at issue here, absent evidence that they are purely or predominantly clerical or secretarial. While there are clerical aspects to this position in the Tech Prep Consortium, it also involves managing the office and its budget, developing databases, and sometimes representing the tech prep coordinator at meetings. The position requires a bachelor's degree, which is not usually the case with solely clerical or secretarial jobs. Instead, the requirement of a bachelor's degree strongly suggests that the position is likely to be used in the delivery of educational services.

3181 Staff Assistant, International Student Office

Assists in the day-to-day operation of the International Student Office. Coordinates housing, orientation and service opportunities for international students.

Bachelor's degree or experience in the field required. Ability to plan and execute projects with little supervision.

Employer: The position is clerical, not professional. It does not require any kind of post-secondary degree.

DECISION: Excluded. Unlike the immediately preceding Staff Assistant position, this position does not require a bachelor's degree, does not manage the office, has little

independent responsibility, and performs tasks that appear to be predominantly secretarial.

3265 Staff Assistant, Adult Learning Center, On-Campus - Bristol CC

Develops curriculum, assists students individually or in groups, administers and evaluates test results, maintains student records.

Bachelor's degree required, master's degree preferred; experience working with adult learners.

3371 JX 38B Staff Assistant, Adult Learning Center, Wareham - Bristol CC

Provides instruction for adult students upgrading basic skills or preparing for GED tests. Assists with developing curriculum and new instructional materials. Maintains student records.

Bachelor's degree required, master's degree preferred. Minimum three years teaching experience. Experience in teaching basic skills and GED preparation. Experience in curriculum development, preferably ABE and GED.

Employer: The positions work with non-college students in non-credit courses.

Union: The positions develop curriculum, which indicates that they are professional.

DECISION: Included. These positions work in two Adult Learning Centers, one on the Bristol CC campus and the other in a nearby town. They provide basic education services to adults. As previously explained, employees who teach or support non-credit courses or who work in

community-service or adult-education programs are not *ipso facto* excluded from this bargaining unit.⁹

Both of these positions are appropriately included in the unit because they are directly involved in professional educational activities, including instruction, curriculum development and testing. The preference for master's degrees further indicates the professional status of the positions.

3441 Part-Time Staff Assistant, Women's Network/Counseling (18.5 hrs/wk) Northern Essex CC

Coordinates women returning to school programs. Initiates and develops programs, workshops and services on both campuses. Functions as resource and liaison to groups concerned with issues relevant to women and diversity. Develops alliances with outside groups and organizations concerned with gender issues.

Master's degree in counseling or related field. Experience in higher education and/or human services. Experience with women's issues.

Employer: The position is non-academic and supports non-credit activities.

DECISION: Included. This positions works in an on-campus program for adult women who are returning to school. There is every indication that it is professional. It requires a master's degree in counseling or a related field

⁹ To avoid restating this conclusion throughout this decision, I will note that it is my presumptive response to the Employer's argument regarding positions involved with non-credit courses or community-service programs.

and considerable related experience. It creates and implements educational programs and services for the women and engages with organizations involved in women's issues. As noted earlier, the position's involvement with a non-credit, adult-education program is not a reason to exclude it.

STAFF ASSOCIATES

Three Staff Associate positions are at issue. In the academic context, the term "associate" commonly denotes greater authority than "assistant," and in fact these positions seem to involve even greater responsibility, of a more academic nature, than the foregoing Staff Assistants.

3264 Staff Associate/Business Office Technology and Adult Learning Center - Bristol CC

Recruits students through media and social service agencies. Collaborates with Departments of Transitional Assistance, Employment and Training, Social Services, Housing Authorities. Provides personal, academic and vocational counseling. Conducts job readiness activities and develops employment strategies. Contacts employers regarding job opportunities. Facilitates specific aspects of the curriculum. Reports to Directors of these two programs.

Bachelor's Degree required. Experience in job development, recruitment and counseling. Familiarity with local businesses, community services and agencies.

Employer: The position supports a non-credit community service activity with no relation to college students.

DECISION: Included. The position has ample independent responsibility in the operation of this educational and vocational program for adults, including recruitment, interaction with state agencies and employers, counseling, and development of employment-related activities. The position requires a bachelor's degree which, as previously noted, suggests that it is nonclerical.

3371 Part-Time Staff Associate, RN Program (28-30 hrs/wk) - Northern Essex CC

Assists the Director of the Center for Nursing Education in the Registered Nurse Program. Directs the evening option of the RN program, including recruitment, evaluation of faculty, curriculum development, planning, orientation, advising, monitoring health policy compliance, scheduling, and other responsibilities as assigned.

Bachelor's and Master's Degrees in nursing required. Minimum of 8 years nursing experience and 3 years teaching in an associate's degree program.

Employer: The position is managerial. It is effectively the director of this evening program, with all managerial duties, including evaluation of faculty.

Union: There is insufficient evidence that the position is managerial. The evaluation component is not dispositive; personnel in the day unit who evaluate DCE

faculty are precluded from teaching in DCE, but that does not prevent their inclusion in the day unit.

DECISION: Included. As noted previously, an employee is considered managerial if he or she has a substantial role in formulating policy.¹⁰ The employee's discretion in making policy must be significant in relation to the public entity's mission, or must impact a significant aspect of the public entity, and there must be regular participation in the policy-making process.

The Staff Associate in the Nursing Program does not meet these criteria. The position does have a great deal of responsibility: it independently directs every aspect of the evening RN Program, including recruitment, curriculum development, advising, scheduling and evaluating faculty. However, there is no evidence that the Staff Associate has any role in formulating overall policy for the community colleges, for Northern Essex CC, or even for the Nursing Program, in the sense of determining the overall focus and direction of the program. Evaluating other employees is a supervisory activity. Supervisors are not excluded from the coverage of G.L.c. 150E, and

¹⁰The other indicia of managerial status - a substantial role in collective bargaining, or substantial independent appellate responsibility in the administration of a collective bargaining agreement or personnel administration - do not come into play for any of the positions at issue.

supervisory duties are not a statutory characteristic of managerial status.

All other characteristics of the position indicate that it is appropriately included in the unit. The required Bachelor's and Master's Degrees in nursing are obvious indicators of its professionalism.

3454 JX 59 Part-Time Staff Associate/Kids' College Summer Program (30 hrs/wk) - Bristol CC

Coordinates all aspects of Kids' College Summer program, which provides academic enrichment and recreational activities to students ages 4 through 18. Manages day-to-day operations, tracks expenditures and personnel time, supervises and schedules teaching assistants, maintains ongoing relationships with college personnel.

Bachelor's degree required. Experience working with children. Experience in administration and staff supervision.

Employer: This is a community-service, non-academic, non-credit position that does not work with college students. Moreover, it is an inherently temporary summer position.

DECISION: Excluded pending additional evidence.

Section 1.01 of the Agreement defines a part-time staff member as "a unit member employed for any part of the fiscal year including employees holding the job classifications listed in Appendix A whose primary duties are other than teaching and who are employed to work less than thirty-seven and one-half (37½) hours a week." This

definition is quite broad, but it does not answer the question whether this summer position belongs in the bargaining unit because it presupposes that the employee is "a unit member."

Seasonal positions may be appropriately included in a bargaining unit with full-time and regular part-time positions if the employees occupying the seasonal positions have an expectation of that they will be rehired into the positions, year after year. Town of Leicester, 9 MLC 1014 (1982). If employees are hired on a one-time basis and do not usually return, the position is considered casual and lacking in community of interest with other unit employees. Id.

There is no evidence at all on the question of whether the employee or employees who have occupied this Staff Associate position have been regularly rehired. In the absence of such evidence, the position must be excluded, although I will allow the parties to produce such evidence during the second phase of this proceeding (see footnote 1).

STAFF ASSOCIATES

Three Staff Associate positions are at issue. In the academic context, the term "associate" denotes greater

authority than "assistant," and in fact these positions seem to involve even greater responsibility, of a more academic nature, than the foregoing Staff Assistants.

3264 Staff Associate/Business Office Technology and Adult Learning Center - Bristol CC

Recruits students through media and social service agencies. Collaborates with Departments of Transitional Assistance, Employment and Training, Social Services, Housing Authorities. Provides personal, academic and vocational counseling. Conducts job readiness activities and develops employment strategies. Contacts employers regarding job opportunities. Facilitates specific aspects of the curriculum. Reports to Directors of these two programs.

Bachelor's Degree required. Experience in job development, recruitment and counseling. Familiarity with local businesses, community services and agencies.

Employer: The position supports a non-credit community service activity with no relation to college students.

DECISION: Included. The position has ample independent responsibility in the operation of this educational and vocational program for adults, including recruitment, interaction with state agencies and employers, counseling, and development of employment-related activities. The position requires a bachelor's degree which, as previously noted, suggests that it is nonclerical.

3371 Part-Time Staff Associate, RN Program (28-30 hrs/wk) - Northern Essex CC

Assists the Director of the Center for Nursing Education in the Registered Nurse Program. Directs the evening option of the RN program, including recruitment, evaluation of faculty, curriculum development, planning, orientation, advising, monitoring health policy compliance, scheduling, and other responsibilities as assigned.

Bachelor's and Master's Degrees in nursing required. Minimum of 8 years nursing experience and 3 years teaching in an associate's degree program.

Employer: The position is managerial. It is effectively the director of this evening program, with all managerial duties, including evaluation of faculty.

Union: The employer has not produced sufficient evidence that the position is managerial. The evaluation component is not dispositive; personnel in the day unit who evaluate DCE faculty are precluded from teaching in DCE, but that does not prevent their inclusion in the day unit.

DECISION: Included. As noted previously, an employee is considered managerial if he or she has a substantial role in formulating policy.¹¹ The employee's discretion in making policy must be significant in relation to the public entity's mission, or must impact a significant aspect of

¹¹The other indicia of managerial status - a substantial role in collective bargaining, or has substantial, independent appellate responsibility in the administration of a collective bargaining agreement or personnel administration - do not come into play for any of the positions at issue.

the public entity, and there must be regular participation in the policy-making process.

The Staff Associate in the Nursing Program does not meet these criteria. The position does have a great deal of responsibility. It independently directs every aspect of the evening option of the RN Program, program, including recruitment, curriculum development, advising, scheduling, and evaluating faculty. However, there is no evidence that the Staff Associate has any role in formulating overall policy for the community colleges, for Northern Essex CC, or even for the Nursing Program, in the sense of determining the overall focus and direction of the program. Evaluating other employees is a supervisory activity, not a statutory characteristic of managerial status.

All other characteristics of the position indicate that it is appropriately included in the unit. The required Bachelor's and Master's Degrees in nursing are obvious indicators of its professionalism.

3454 JX 59 Part-Time Staff Associate/Kids' College Summer Program (30 hrs/wk) - Bristol CC

Coordinates all aspects of Kids' College Summer program, which provides academic enrichment and recreational activities to students ages 4 through 18. Manages day-to-day operations, tracks expenditures and personnel time, supervises and schedules teaching assistants, maintains ongoing relationships with college personnel.

Bachelor's degree required. Experience working with children. Experience in administration and staff supervision.

Employer: This is a community-service, non-academic, non-credit position that does not work with college students. Moreover, it is an inherently temporary summer position.

DECISION: Excluded pending additional evidence.

Section 1.01 of the Agreement defines a part-time staff member as "a unit member employed for any part of the fiscal year including employees holding the job classifications listed in Appendix A whose primary duties are other than teaching and who are employed to work less than thirty-seven and one-half (37½) hours a week." This definition is quite broad, but it does not answer the question whether the Part-Time Staff Associate/Kids' College, which is a summer position, is appropriately included in the bargaining unit, because it presupposes that the employee is already "a unit member."

Seasonal positions may be appropriately included in a bargaining unit with full-time and regular part-time positions if the employees occupying the seasonal positions have an expectation of that they will be rehired into the positions, year after year. Town of Leicester, 9 MLC 1014 (1982). If the employees are hired on a one-time basis and

do not return, they are generally considered casual and lacking in community of interest with other unit employees.

Id.

There is no evidence at all on whether the employee or employees who have occupied this Staff Associate position have been regularly rehired. In the absence of such evidence, the position must be excluded, although I will allow the introduction of such during the second phase of this proceeding. See footnote 1.

PROGRAM ASSISTANTS

3318 Program Assistant, Student Services - Mt. Wachusett CC

Assists Dean and Assistant Dean of Student Services in operation of student life and student activities programs. Aids staff and students with clerical and administrative needs. Uses extensive computer operations, including desktop publishing.

Associate's degree or equivalent in related field required. Competence in Microsoft Word and PageMaker. Experience with student activities or a college setting.

3354 Program Assistant, Jump Start Certified Nurse Aide/Home Health Aide Program - Holyoke CC

Produces recruitment materials. Coordinates recruitment efforts. Holds information sessions with applicants. Administers tests. Schedules and conducts interviews with applicants. Completes enrollment paperwork. Tracks attendance and academic progress. Engages in crisis intervention, vocational advising, job development and placement.

Associate's Degree in Business or related field required. Bachelor's degree in business, counseling or related field preferred. Good typing. Experience in student recruitment, program

development, monitoring and reporting. Experience with word processing and document design, data bases and spreadsheet software. Experience recruiting faculty and consultants for credit and non-credit offerings. At least one year experience working with a diverse population. At least two years experience in post-secondary education and/or training.

3451 Program Assistant/LINKS Middlesex CC

Supports professional staff with program and office organization. Handles financial documentation for reimbursement of travel and other expenses. Maintains financial records. Develops and maintains databases. Prepares mailings. Provides clerical support such as processing forms, faxing and copying. Coordinates the logistics of special events.

Office experience, strong organizational skills, and computer skills such as spreadsheets and word processing required

Employer: In general, the position of Program Assistant is clerical and administrative, rather than professional, and probably belongs in the classified unit. It requires only an associate's degree, if that. In addition, LINKS is a community-service program serving adult learners.

DECISION: Excluded. All three Program Assistant positions are predominantly or exclusively clerical. They involve such typical clerical duties as word processing, preparing mailings, handling paperwork, and supporting professional staff. None of the positions requires a bachelor's degree.

TUTORS

3249 Part-Time Tutor (20 hrs/wk) - Mt. Wachusett CC

Tutors individual students in computer-related courses.

Associate's degree or substantial coursework in areas such as word processing, microcomputer applications, programming, etc., required. Previous experience as a laboratory assistant preferred.

3335 Part-Time Tutors, Nursing - Quinsigamond CC

Successful completion of courses in a relevant field required. Associate's or bachelor's degree preferred.

3454 Tutors, Part-time - CC unidentified

Tutors for part-time day and evening positions in various disciplines, such as Accounting, Chemistry, English, ESL, Math, Nursing, History, Sociology.

Completion of courses in a relevant field required. Associate's or bachelor's degree preferred.

Employer: The position is not listed in Appendix A and is not professional. It does not require a bachelor's degree. Tutors are often work-study students.

Union: There is a clear bargaining history of tutors being included in the unit. In the parties' previous Agreement, they were included in Appendix A. Tutors have a community of interest with unit members who do have advanced knowledge or specialized course work in a discipline.

DECISION: Excluded. The MLRC's 1988 certification did include some Tutor positions, and it is possible that some Tutors have the qualifications and responsibilities

that would warrant placing them in the unit. However, I am persuaded that these particular positions do not and, therefore, have no community of interest with the bargaining unit. None of the positions requires a bachelor's degree; according to the Employer, they are often work-study students. This means that the incumbents are often employed for only a single semester and have no long-term interest in continuing employment or firm ties to the bargaining unit.

3159 Project Coordinator, Center for Environmental Education - Roxbury CC

Manages the day-to-day operations of the Center for Environmental Education. Develops and delivers programs on environmental issues to high-school and elementary-school students and other community groups. Recruits elementary and secondary school students to introduce them to the Center. Works with school systems, charitable organizations, and community agencies. Conducts research and develops curriculum for credit and non-credit environmental programs. Assists in writing grant proposals. Supervises clerical and student personnel. Reports to the Director of Business and Industry.

Bachelor's degree in related field, master's degree preferred. Two years experience in environmental affairs. Working knowledge of higher education business practices. Supervisory experience.

Employer: The position supports non-credit community service activities and works with secondary school and elementary students, not college students.

DECISION: Included. Like several of the disputed positions, this Project Coordinator creates and presents

educational programs for K-12 students. Such activity relates directly to the mission of the community colleges, particularly since it may help these elementary and secondary students to enter the colleges eventually. The position is supervisory, skilled and has ample independent responsibility, and belongs in the bargaining unit.

3209 Part-Time Senior Center Coordinator, Massasoit CC

Responsible for the daily operations of the Senior Center. Assists seniors on a walk-in basis and provides information about services and programs offered at Massasoit. Plans programs, seminars and workshops. Coordinates weekly and annual activities such as line dancing, humanities classes and Senior Summer Institute.

Bachelor's degree in Human Services required, master's degree preferred. One year related experience with the elderly in a supervisory or coordinating position. Three years experience in a higher education setting.

Employer: The position supports non-credit community service activities directed strictly toward non-college students.

DECISION: Included. The Senior Center Coordinator creates and presents educational and recreational programs for older adults. By providing information about programs offered at Massasoit CC, it links that population to the community colleges. The position is skilled, requires an educational background in human services (preferably a

master's degree) and is independently responsible for operating the center.

**3278 JX 65 Director of Children's School/Campus
Childcare, Quinsigamond CC**

Responsible for management and daily operation of the Children's School/Campus Child Care Center. Interfaces with the college's Early Childhood Education Program. Directly supervises staff assigned to the Center. Assists in hiring, orientation, supervision and evaluation of staff. Assists in implementing processes compatible with the current collective bargaining agreement. With the Assistant Dean of Business Management/Human Services, disseminates and implements Board/College policy, regulations and procedures. Meets with parents. Reports directly to the Assistant Dean of Business Management/Human Services.

Employer: The Children's School is an on-campus, college-based program. The position of Director is managerial. The Director supervises pre-school teachers (who are not in any bargaining unit).

Union: The position belongs in the unit because it is professional, not clerical and not managerial. The Director does not formulate policy but simply "disseminates and implements" it.

DECISION: Included. While the Director of the Children's School implements policy, there is no evidence that the position has any role in actually formulating policy. The position independently directs the Children's School and supervises and evaluates its staff. While it has a great deal of responsibility, the position is not

managerial within the meaning of G.L. 150E. As previously noted, supervising and evaluating subordinates is not a statutory indicator of managerial status. The position is appropriately included in the unit.

3242 Assistant Director of Fitness Center - Mt. Wachusett CC

Assists in the day-to-day operation of Fitness & Wellness Center and in the creation and direction of recreational programs.

Bachelor's degree or equivalent with relevant certification (i.e., personal training, aquatics, aerobics, CPR, first aid). Two to three years recreational program experience. Previous supervisory experience working in a health-club environment preferred.

Employer: The position is not professional. It requires only a general bachelor's degree. There is no community of interest with the bargaining unit and no academic involvement at all. It is distinguishable from the Coordinator of Athletics, who works with students in the college's student athletics programs. In Mass. Board of Regents, SCR-2190 (1988), the MLRC included the part-time position of Coordinator of the Fitness Center at Bristol CC in the bargaining unit, but this was only at that particular college.

Union: The position is comparable to the Coordinator of Athletics, which is in the bargaining unit.

Furthermore, the Coordinator of the Fitness Center at Bristol Community College is in the bargaining unit.

DECISION: Included. On balance, the evidence favors including this position. The MLRC included the same title at Bristol CC in its 1988 certification and no facts differentiate the two positions. Moreover, the position creates and directs recreational programs, has substantial responsibility for operating the college's fitness center, and is apparently supervisory. While it is true that the position does not require an advanced level of education, special training and experience in fitness and recreational activities is a prerequisite.

3248 Director of Forest Management & Primary Operations, Forest & Wood Products Education & Development Center - Mt. Wachusett CC

Formulates overall policy for the Forest & Wood Products Education & Development Center that will promote the effective management of the private and public forests of the Commonwealth and assist private enterprise in creating, and marketing primary wood products. Recruits, supervises and evaluates Center staff. Designs and implements specialized courses and training programs. Identifies new applications of technology for the wood products industry. Prepares the budget and necessary reports. Serves as a liaison to various federal, state and local agencies, and works directly with the Forest and Wood Products Advisory Board.

Bachelor's degree in a related field. Master's degree preferred. Five years related experience. Ability to deal effectively with the business sector, related agencies, and the Forest & Wood

Products Advisory Board. Experience in teaching and developing training programs.

Employer: The position is managerial. It supports non-credit community service activities, is unrelated to academics and has no contact with college students.

DECISION: Excluded. This position does appear to be managerial. The Forest & Wood Products Education & Development Center is a free-standing program at Mt. Wachusett CC, privately funded by the Forest and Wood Products Advisory Board to promote forest management and work with the wood-products industry. The Director has complete charge of the Center, including hiring and supervising staff, designing and implementing all programs, and preparing the budget. Most significantly, the Director is expressly responsible for formulating overall policy for the Center. As noted previously, a substantial role in formulating policy is the hallmark of managerial status.

3252 JX 30B Associate Director of Forest Management & Primary Operations, Forest & Wood Products Education & Development Center - Mt. Wachusett CC

Participates in formulating policy for the Forest & Wood Products Education & Development Center that will promote the effective management of the private and public forests of the Commonwealth. Assists private enterprise in creating and marketing primary wood products. Designs and implements specialized training programs, projects and workshops for landowners, communities, loggers, and lumber manufacturers. Serves as a liaison to various federal, state and local agencies, and works directly the Forest & Wood Products Advisory Board.

Bachelor's degree in Forestry, Forest Products Engineering, or Wood Technology. Master's preferred. Minimum of five years experience in related field.

Employer: The position supports non-credit community service activities, is unrelated to academics, and has no contact with college students.

DECISION: Included. This position assists the immediately preceding position of Director. It has considerable responsibility for operating the Center and creating its programs. While it does not require more than a bachelor's degree, a master's degree is preferred, and specialized training and experience in forestry, forest products engineer, or wood technology is a prerequisite. These factors all weigh in favor of inclusion.

**3251 JX 42 Part-Time Adult Basic Education
Instructors - Mount Wachusett CC**

Provides classroom instruction in the following areas: GED, pre-GED, ABE, ESL I, ESL II, alternative high school education, on-site workplace education. Assists in intake and assessment and supervises volunteer tutors.

Massachusetts Teaching Certificate preferred. Experience in teaching/tutoring adults. Experience with the Wilson Reading System a plus.

Employer: The position provides non-credit instruction to non-college students.

Union: Adult basic education instructors have historically been in the bargaining unit at many of the community colleges.

DECISION: Included. This position engages in classroom instruction, which is obviously a central aspect of the colleges' educational mission. As noted previously, the fact that this instruction is at a pre-college level and is directed to adult learners does not require excluding the position from the bargaining unit. In 1988, the Commission added a number of positions to the unit that provided adult basic education: Coordinator, Adult Basic Education Grant; Coordinator, Prison Program; GED Staff Assistant. Furthermore, Appendix A includes at least three positions that seem to provide instruction at the pre-college level (ESL Skills Specialist, Learning Specialist Reading/Writing and Literacy Specialist Adult Education.) This position is therefore appropriately included.

3257 JX 40 Part-Time Business Recruiter, Schools to Careers Partnership (15-18 hrs/wk), Cape Cod CC

Develops work-based learning experiences for local youth. Recruits area employers to provide various services to the region's local partnership youth. Plans meetings and presentations at various businesses. Assists in developing grant proposals and related reports. Works with local site staff to assess work-based learning needs of students.

Bachelor's degree. Knowledge of local labor market. Prior employment-related experience.

Employer: The position supports a non-credit community service activity with no relation to college students.

DECISION: Included. For the reasons previously stated, the position's support of non-credit community-service activities does not require its exclusion, nor does the fact that the activities are directed toward secondary-school students. The Part-Time Business Recruiter engages in work that is fundamentally educational, working with local businesses to develop work-based learning experiences for local youth. The position requires a bachelor's degree and specialized knowledge and experience.

3260 Part-Time Instructor, Modern Office Technology, Project Forward, Cape Cod CC

Instructs adolescents and adults with learning disabilities in word processing, filing and other office skills. Teaches 8 hours per week in the afternoon. Develops curriculum.

Bachelor's degree plus related experience in teaching office skills and in working with adolescents and adults with learning disabilities.

Employer: The position supports a non-credit community service activity with no relation to college students.

DECISION: Included. The Part-Time Instructor is directly involved in education, teaching vocational skills to individuals with learning disabilities. The position

requires a bachelor's degree, teaching experience and the ability to develop curriculum for this population. For the reasons previously stated, the position's support of non-credit community-service activities does not require its exclusion, nor does the fact that the activities are directed toward adolescents and adults.

3261 Director, Southeast Regional Support Center, System of Adult Basic Education Support (SABES), Quinsigamond CC.

SABES supports and develops staff in adult education, basic skills, literacy, ESOL and GED preparation programs throughout southeastern Massachusetts. The Director serves as the liaison to the SABES Central Resource Center, all SABES regions and DOE/Adult Community Learning Services. Provides opportunities for staff, program and leadership development in adult basic education programs. Develops and implements teacher training models. Develops and monitors grant budgets. Implements an outreach program to develop a pool of adult education trainers. Supervises and coordinates resource center staff. Reports to the Director of the Adult Learning Center.

Bachelor's degree required, master's preferred. Minimum five years experience in adult basic education. Substantial teacher training experience. Minimum three years experience in project management. Experience in curriculum development.

3404 Assistant Director, SABES - Quinsigamond CC

Assists in planning, implementing, and evaluating the staff and program development activities of SABES. Plans and provides staff development services for almost 140 programs in Central Massachusetts. Conducts needs assessments, program visits, and focus groups to determine staff development needs. Provides technical assistance to ABE/ESOL/ASE programs in the region. Provides staff development and technical assistance for literacy

programs in the Department of Corrections, Department of Transitional Assistance, Office of Refugees and Immigrants and Volunteer Agencies. Supervises consultants hired for staff development activities, and supervises SABES employees in the absence of the director.

Master's degree required. Experience in adult education. Knowledge of staff development theory and practice. Minimum two years of supervisory/management experience.

3404 Community Planning Specialist, SABES, Quinsigamond CC

Works with the Adult and Community Learning Division of DOE to develop a training program on community planning and build the capacity of DOE-funded programs in the four SABES regions. Plans and implements relevant trainings in Central Massachusetts.

Designs long-term training for new community planning grantees. Designs trainings for 32 current community planning grantees. Designs trainings for programs participating in the community planning pilot.

Master's degree required. Experience in adult education, ability to organize training programs, and experience working with several agencies in a community collaborative.

Employer: The SABES positions support a non-credit community service activity with no relation to college students. SABES is a national grant to improve adult education, and the college is merely the grant administrator.

DECISION: Included. The System of Adult Basic Education Support (SABES) Center provides staff development and resources for individuals working in the fields of

adult education, basic skills, literacy, ESOL and GED preparation. All four positions require substantial education (generally, a master's degree) and experience in adult basic education, teacher training, project management and/or curriculum development. The Director oversees the entire program and supervises all staff. The Assistant Director plans and provides staff development services for almost 140 programs in Central Massachusetts. The Community Planning Specialist works with the Department of Education to develop and implement training programs for 32 community planning grantees.

All of the SABES positions support or directly engage in instructional activity. They require specialized education, training, and experience. For the reasons previously stated, the SABES positions' involvement in non-credit community-service activities does not require their exclusion, nor does the fact that SABES is grant-funded.¹²

3268 Tech Prep Co-Director, Berkshire CC

Shares responsibility to provide leadership for a fully articulated program among area secondary schools, the college and business/industry.

¹² As noted earlier, the source of funding of a position does not affect its eligibility to be included in the bargaining unit, provided that the position is employed by the Employer and not by the funding entity.

Master's degree in secondary/post-secondary education or related field preferred. Minimum three years teaching and/or supervisory experience in a secondary/post-secondary environment. Experience in grantsmanship and in developing competency-based vocational curriculum.

3253 Part-Time Tech Prep Coordinator (18.75 per week) - Greenfield CC

3058 Tech Prep Coordinator, North Shore CC

Serves as campus liaison for coordinated secondary/postsecondary vocational curriculum and development at high schools in Hampshire and Franklin Counties. Supervises secondary-school Tech Prep Site Coordinators. Evaluates Tech Prep activities, including tracking all Tech Prep matriculating and/or eligible students. Participates in developing Tech prep curricula. Central point of contact for Tech Prep admissions, applications, and information dissemination for students, teachers, parents and counselors. Promotes the involvement of Greenfield CC faculty in developing Tech Prep curriculum and collaborating with secondary school teachers and area employers. Recruits representatives of business and industry to participate. Reports to Director of Development.

Master's degree in related area. Experience implementing applied learning programs. Familiarity with workforce development and education reform. Experience in administration and planning.

Employer: The positions work exclusively with high school students, not college students, and essentially perform a community-service function. These high-school students are not being prepared for any program at the college. There are no true vocational programs at the community colleges, except for the allied health professions.

Union: A pre-admission vocational program is relevant to the community colleges' mission. The colleges are providing more and more programs leading to certification in a trade, such as the Motor Program at Mass. Bay CC and many at Springfield Technical CC.

DECISION: Included. The Tech Prep Co-Directors and Coordinators engage in fundamentally educational work, developing programs that will provide secondary-school students with the technical skills necessary for employment or further education. In fact, the program envisions that some of these students will matriculate. The positions require a master's degrees and specialized knowledge and experience.

3300 Part-Time Fitness Center Monitor (12 hrs/wk) - Northern Essex CC

Supervises students and staff in use of all fitness equipment. Orients new users. Organizes and conducts coached work-out sessions. Answers phone, keep records, produces monthly reports.

Current CPR certification. Professional certification as a health/fitness instructor, fitness specialist or exercise specialist. Prior work experience in health/fitness industry or college fitness center preferred.

Employer: The position is not professional and belongs in the classified unit. No degree is required. There is no community of interest with the bargaining unit.

The position has no academic component or contact with students and faculty.

DECISION: Excluded. This position has none of the characteristics necessary for inclusion in this unit. It staffs the desk at the fitness center and provides associated customer and clerical services. It is not an educational support position, does not require a college degree, and requires no advanced or highly specialized skills. In sum, the position lacks a community of interest with other bargaining-unit employees.

3305 Laboratory Technician - Berkshire CC

Overall responsibility for lab maintenance and set-up. Maintains equipment and inventory, order supplies.

High school diploma, associate's degree preferred. Practical experience in the discipline. Knowledge of laboratory procedures.

Employer: The position is not professional and should be in the classified unit. It requires no post-secondary education. The positions of Lab Tech I and II were included in the AFSCME agreement in 1986.

Union: While this particular job at Berkshire CC may not be professional, it is just one example of the position of Laboratory Technician. There are many Laboratory Technicians in the community college system, and some of those are professional.

DECISION: Lab Technician at Berkshire CC is excluded.

There is really no dispute that this particular position at Berkshire CC does not require the skill, education, or experience that would warrant inclusion in this bargaining unit. Its basic responsibility is to maintain the lab and equipment, and it requires only a high-school education. However, the Union points out that there is considerable variety among the Lab Tech positions in the community colleges, and other Lab Techs may well be appropriately included. Therefore, my decision to exclude is limited to the Lab Technician at Berkshire CC.

3311 Part-Time Registered Nurse, Health Education Support Center - Northern Essex CC

Provides instructional assistance for health education programs. Assists with orientation of faculty and students, helps students develop and remediate clinical skills, tests students.

Must be a licensed registered nurse in Massachusetts. Associate's degree in nursing preferred.

Employer: The position is not professional. No advanced degree is required, only an associate's degree is preferred. While College/School Nurses and Nurse/Professors are in the MCCC unit, this position does not act as a nurse but is merely an instructional assistant.

Union: Because the incumbent must be a registered nurse, the position is *per se* professional. It is not disputed that in general, RNs are in the MCCC unit, although the title does not appear in Appendix A. The job description for this position is outdated; in fact, all RNs in Massachusetts must have bachelor's degrees. If there are any current incumbents who have not met this licensing requirement, they are grandfathered in,

DECISION: Included. I agree with the Union that a position that requires the incumbent to be a licensed registered nurse is *per se* professional, regardless of whether the nurse treats patients or assists in purely instructional activity.

3326 Part-Time Project Coordinator (18 hrs/wk), Cape Cod CC

Administers and secures funds for a project preparing economically and educationally disadvantaged middle-school students for high school, college prep and post-secondary education. Hires, trains and supervises staff. Formulates and administers budget. Designs, implements and evaluates a year-round curriculum of instruction, tutoring, counseling, and cultural and recreational activities.

Master's degree or equivalent in education, counseling, public administration or social work with experience administering a student special service program.

Employer: This is a community-service position that works with middle-school students, not college students, in a non-credit capacity.

DECISION: Included. For the reasons previously stated, the position's support of non-credit community-service activities does not require its exclusion, nor does the fact that the activities are directed toward secondary-school students. The Part-Time Project Coordinator has complete responsibility for a program that prepares disadvantaged middle-school students for high school and college education, including hiring and supervising staff, preparing the budget, and designing the entire curriculum. The position requires a master's degree and is directly related to the community colleges' broad educational mission.

3327 Adult Collaborative of Cape Cod for Education and Support Services, Cape Cod CC:

GED Instructor (9 hrs/wk, 18 wks) Provide classroom and computer-assisted instruction for GED preparation. Assists in assessment and evaluates student progress.

Experience in adult education. Ability to work with computers

Citizenship Instructor (9 hrs/wk, 18 wks) Provides classroom instruction in citizenship, assesses student progress.

Bachelor's degree and experience in adult basic education

Career/Job Counselors (7-11 hrs/wk, 17 wks)

Provides instruction in job search and resume preparation.

Bachelor's degree required. Experience in adult basic education

Employer: All three positions serve non-college students, primarily immigrants, in a non-credit community-service capacity.

DECISION: Included. All three positions engage in classroom instruction. Two of the three require a bachelor's degree and experience in adult basic education. For the reasons previously stated, the position's support of non-credit community-service activities does not require its exclusion, nor does the fact that the activities are directed toward adults.

3328 Part-Time Library Assistant (20 hrs/wk during school sessions) - Quinsigamond CC JX 19

Assists in the acquisition, cataloging, maintenance and lending of books and other materials. Orders and receives books. Searches and updates on-line library center, responds to inquiries from users, repairs and shelves books, copies, files.

At least one year of paraprofessional or clerical experience as a library assistant, or any combination of the required experience and a GED or High School diploma is required. Associate's degree or higher may be substituted for the required experience. Computer skills. Preferred: knowledge of library filing systems, ability to supervise subordinates, technical services experience.

Employer: The position is clerical, not professional. It is on the state list of classified employees, and all classified employees, except for exempt employees, are in the classified units.

DECISION: Excluded. This position is basically clerical. It requires no more than a high-school diploma.

**3277 Part-time Technical Assistant II (20 hrs/wk),
Reading Center - Northern Essex CC¹³**

Tutors students enrolled in developmental reading courses. Supports professional staff as needed. Maintains records.

Bachelor's degree required. Experience teaching or tutoring students.

**3354 Part-Time Technical Assistant II (20 hrs/wk),
Math Center - Northern Essex CC**

Tutors students in math. Supports professional staff.

Bachelor's degree in math, education or related field required. Teaching or tutoring experience preferred.

Employer: These positions are largely clerical and are not professional.

Union: Because this position requires a bachelor's degree and engages in instruction, it belongs in the MCCC unit. Many tutors are in the unit.

¹³ The titles Technical Assistant I, II and III were placed in the AFSCME classified unit in the 1986-89 AFSCME Agreement, although it is not known what job duties are associated with those positions.

DECISION: Included. As previously noted, the MLRC's 1988 certification included some Tutor positions. I excluded the earlier Tutor positions at Mt. Wachusett, Quinsigamond and another CC (3249, 3335 and 3454) because they do not require a bachelor's degree and are often staffed by work-study students. In contrast, the Part-Time Technical Assistant II must have a bachelor's degree and experience in teaching. The position supports professional staff and is essentially engaged in teaching. It is therefore appropriately included in the bargaining unit.

3354 Career Specialist - Bristol CC (JX 23)¹⁴

Counsels high-school students in career planning in the School-to-Work initiative. Conducts workshops on career and job searches, works with high school staff to recruit students for work-based learning opportunities.

Bachelor's degree in related field.

3454 Career Specialist, Bristol CC (JX 59)

Counsels and guides high-school students at participating high schools in career planning. Conducts workshops, provides career counseling, recruits high-school students for the program, matches students with worksite learning opportunities. Maintains ongoing relationship with host businesses.

Bachelor's degree in related field required. Basic understanding of the School-to-Work initiative. Experience in counseling and/or education. Familiarity with the regional labor market.

¹⁴ The parties entered two somewhat different job descriptions for what seems to be a single position.

Employer: The position is professional, but works with non-college students in a non-credit, non-academic capacity. This is a community outreach program to help high-school students get jobs. It is not aimed at helping them into the college.

DECISION: Included. For the reasons previously stated, the position's involvement in non-credit services for high school students does not require its exclusion. While these students may never enroll in the community colleges, the Career Specialist directly delivers educational support services and furthers the colleges' broader mission of community outreach and education.

3354 Part-Time Program Coordinator, International Studies - Middlesex CC

Coordinates international fellowship program for international scholars and students. Prepares grant proposals for international initiatives, including training programs for international clients and curriculum development. Prepares contract training proposals for international clients.

Master's degree in related discipline. Experience in developing and implementing international programs. Skill in preparing grant contract training proposals. Fluency in another language a plus.

DECISION: Included. The position entails broad independent responsibility, experience in international programs and a master's degree. It is obviously professional.

3354 Part-Time "Open Door" Coordinator (30-60 hours/month)- Quinsigamond CC

Responsible for publication of semi-monthly newspaper, "The Open Door." Recruits and supervises student staff. Solicits articles from students and members of the college community. Educates students in journalism, editing and layout of a newspaper.

Associate's degree required. Bachelor's degree preferred. Ability to write and edit a newspaper, to work with students from a diverse background, to use a Macintosh computer.

Employer: The position is not professional and requires only an associate's degree. It works with students, but in a non-academic, non-credit capacity.

Union: The position involves professional skills and regular contact with college students. Although the students do not receive credit for publishing the newspaper, it is part of their education.

DECISION: Included. This is an example of a position that does not require an advanced degree but is nevertheless professional because of the special skills and experience necessary. The incumbent oversees the editing and publishing of the college newspaper and must have experience as a journalist. Although working on the newspaper is an extracurricular activity for which students do not receive credit, it is part of their education, often an important part.

DEVENS JOB CORPS¹⁵

3404 Vocational Training Instructor, Computer Technology, Devens Job Corps - Mt. Wachusett CC

Provides instruction in approved vocational training curriculum. Revises curriculum and materials. Provides personal and vocational counseling to students. Evaluates students.

Bachelor's degree in vocational education or equivalent experience required. Massachusetts teaching certification preferred.

3404 Part-Time Academic Instructors, Devens Job Corps (20 hours/week) - Mt. Wachusett CC

ESL/Basic Reading (2 positions)

Graded Reading (4 positions)

Math (4 positions)

GED (4 positions)

Instructs students from approved basic education curriculum. Plans, prepares and implements instructional units. Administers and scores tests and monitor student progress. Provides personal and academic counseling.

Bachelor's degree in vocational education or equivalent experience. State teaching certification preferred.

3404 Vocational Training Instructors, Health, Devens Job Corps - Mt. Wachusett CC

Provides instruction in approved vocational training curriculum. Revises curriculum and materials. Provides personal and vocational counseling to students. Evaluates students.

Employer: The positions provide basic academic and vocational training in relation to the phasing out of the Fort Devens military base. They work in a non-credit capacity with non-college students.

¹⁵ There was some suggestion that the Devens program may have been discontinued, but this was not confirmed.

Union: Just because the positions provide vocational education does not mean that these are not college students. Nowhere in the job description does it state that they are not college students.

DECISION: All positions included. As previously stated, these positions will not be excluded merely because they provide non-credit vocational instruction to adults. They are teaching positions that provide direct classroom instruction in vocational disciplines. The incumbents must possess a bachelor's degree or equivalent experience in the vocation. A Massachusetts teaching certificate is preferred. They are therefore appropriately included in the bargaining unit.

POSITIONS AT ESSEX COUNTY CORRECTIONAL FACILITY

3416 JX 28A Low-Level Reading/GED Instructor, Essex County Correctional Facility - North Shore CC

Teaches adult basic education and GED preparation at the Essex County Correctional Facility. Provides educational counseling to enrolled students.

Bachelor's degree in education or related field required. Master's degree preferred with current teaching certification. Background with certification and training in Wilson, Lubach, or Orton Gillingham Reading. Experience working with adult learners with learning disabilities preferred.

JX 35 Computer Skills Instructor, Essex County Correctional Facility, North Shore CC JX 35

Teaches post-GED computer classes, including keyboarding, Microsoft Word, Excel, PowerPoint and Access. Maintains computer lab, software and

hardware. Serves as the "technology person" for all technology in ABE classrooms.

3297 JX 39 Part-Time Title I Instructors, Essex County Correctional Facility and Center for Alternative Corrections in Lawrence - North Shore CC

Report to Staff Assistant, Corrections Education. Provide Title One instruction to incarcerated males ages 21 and under at the Essex County Correctional Facility, Middleton, and Center for Alternative Corrections, Lawrence.

Bachelor's degree in education, master's degree preferred. Current Massachusetts teacher certification in elementary or secondary education in math, reading, special education or English required. Experience working with adults in a locked, medium-security correctional facility.

Employer: This is a community-service, non-credit program that offers basic education, GED preparation and post-GED classes to incarcerated individuals. There are programs that give college-credit courses to matriculated prisoners, but these are not among them.

Union: The position of GED/Staff Assistant is already in the unit. It was listed at North Shore CC and was part of the classification study.

DECISION: Included. These positions are similar to others at issue in this proceeding that provide basic education and vocational and technical training to adults. The only difference is that the students are incarcerated. The students are not matriculated, probably because they

lack the necessary education and skills, but this program could well lead to their matriculation.

All of these positions provide direct classroom instruction to this population. They are required to have a bachelor's degree in education and a current teaching certification (or, in the case of the Computer Instructor, skill and experience with computers). They are professional employees whose work is related to the mission of the community colleges, and are appropriately included in the unit.

3416 Academic Instructors, Shriver Job Corps - Mt. Wachusett CC.

Graded Reading

Math

GED

Provides adult basic education from approved basic education curriculum. Plans and implements instructional units. Administers tests, monitors student progress. Provides personal and academic counseling. Makes recommendations for policy and curriculum revisions.

Bachelor's degree in education preferred. Teaching certificate preferred.

Employer: The position is nonprofessional. It does not require a bachelor's degree or teaching certification. This is a community-service, non-credit adult-education program that does not involve college students.

DECISION: Included. These, too, are teaching positions that provide classroom instruction to adults in

basic academic skills. While it is true that a bachelor's degree is not required, it is preferred, as is a teaching certificate. The instructors implement an approved curriculum, but are themselves responsible for planning each instructional unit. On balance, it is appropriate to include them in this unit.

**3416 Case Manager and Employment Specialist,
Dislocated Worker Services - Mount Wachusett CC**

Provides Title III JTPA services to eligible customers at the Career Center of North Central Massachusetts. Provides basic readjustment, career planning and re-employment services. Serves as customer advocate and follows up on each customer to ensure progress toward vocational goals. Implements outreach activities, performs assessments, makes referrals to program activities. Conducts individual counseling sessions and refers to training programs. Participates in regular case conferences.

Bachelor's degree required. Master's degree preferred. Three to five years experience in career counseling/placement.

Employer: This is a federally funded, community-service, non-credit program that does not involve college students. It serves clients of the Career Center of North Central Massachusetts and has nothing to do with the college. The colleges have a number of employees who administer these federal grants, sometimes in tandem with a city agency, but the grant itself was never intended for college students.

DECISION: Included. This position operates a grant-funded career-counseling program for displaced workers. The position requires a bachelor's degree and previous career-counseling experience and is wholly responsible for the program. It is true that the program does not relate to college students, but its training and counseling component relates to the community colleges' wider mission.

**3441 Assistant to Director/Education Specialist,
Lowell Career Pathways for Youth - Middlesex CC**

Coordinates and implements program initiatives for the Lowell Middle Schools, including LEAP, transition programs, parent enrichment programs, career fairs, and teacher externships. Provides general office support to Program Director, including phones, correspondence, mailings, maintaining the budget and filing.

Bachelor's degree required. Minimum 5 years of administrative experience.

**3441 Career/Business Specialist, Lowell Career
Pathways for Youth - Middlesex CC**

Coordinates and implements activities at the Lowell High School Career and Education Center. Establishes and maintain relationships with local businesses. Develops career plan, job bank, coordinates job shadowing and externship sites for students and staff. Reports to Program Director.

BA required, preferably in education, counseling, human services or equivalent. Experience working with culturally diverse youth, experience in program management or partnership development.

Employer: Lowell Career Pathways for Youth is a community-service, non-credit program that does not involve

college students. These two positions serve middle-school students in Lowell.

DECISION: Included. For the reasons previously stated, the position's support of non-credit community-service activities does not require its exclusion, nor does the fact that the activities are directed toward secondary-school students. Both positions report to the Director of Lowell Career Pathways for Youth. The Assistant to Director/Education Specialist coordinates a variety of programs relating to education and job readiness and provides general administrative support to the director. The Career/Business Specialist provides extensive career counseling and job activities for the students. Both positions entail considerable responsibility and require a bachelor's degree and substantial previous experience. They are appropriately included in this unit.

POSITIONS IN THE UPWARD BOUND PROGRAM

Upward Bound is a federally funded project to assess 65 high-school students from low-income and disadvantaged families who have the potential to succeed in college but require supplemental academic skills and motivation.

3451 JX 56 Full-Time Academic Specialist/Instructor, Upward Bound, Middlesex CC

Designs curriculum for academic year and summer for targeted Lowell High School students. Team teaches instructional modules. Monitors participants'

academic assessments, progress reports, college placement tests. Collaborates with Lowell High School guidance staff. Plans and presents workshops in critical and creative thinking, SAT preparation. Recruits, supervises and evaluates tutors/mentors and instructors, under the supervision of Coordinator and Director.

Massachusetts teaching certification, teaching and curriculum planning experience required. Master's degree in Education/Counseling or related field preferred. Experience with low-income, first-generation, diverse and disabled students.

DECISION: Included. The aim of the Upward Bound program is to prepare targeted students for college. It is thus directly related to the community colleges. The Academic Specialist has broad hands-on responsibility for the Upward Bound program. The position designs curriculum for and teaches in the academic-year and summer programs and hires and supervises instructional staff. The incumbent must have a teaching certificate and previous experience with low-income students. The position is professional and appropriately included in the unit.

3354 Upward Bound Instructors - Bristol CC
A full-time six-week summer residential program.

Science Instructor. Bachelor's degree in biology, chemistry, physics or related field required. Master's preferred. Minimum two years secondary school teaching or related experience. Sensitivity to the needs of low-income and disadvantaged youth. Bilingual desirable in Spanish or Khmer.

Social Studies Instructor. Bachelor's degree in social studies or related field required. Master's preferred. Minimum two years secondary school

teaching or related experience. Sensitivity to the needs of low-income and disadvantaged youth. Bilingual desirable in Spanish or Khmer.

Foreign Language Instructor. Bachelor's degree one foreign language required. Master's preferred. Minimum two years secondary school teaching or related experience. Sensitivity to the needs of low-income and disadvantaged youth. Written and oral proficiency in English and one other language (Spanish, French, Khmer, Chinese, or other).

Mathematics/Computer Science Instructor. Bachelor's degree in mathematics, computer science or related field required. Master's preferred. Minimum two years secondary school teaching or related experience. Sensitivity to the needs of low-income and disadvantaged youth. Bilingual desirable in Spanish or Khmer.

English/Communications and English/ESL Instructor. Bachelor's in relevant field required. Master's preferred. Minimum two years secondary school teaching or related experience. Sensitivity to needs of low-income and disadvantaged youth. Bilingual desirable in Spanish or Khmer.

Dormitory Supervisor. Responsible for supervision and safety of 65 students and 15 staff. Coordinates all recreational and program activities, including field trips. Establishes and monitors disciplinary procedures, study hall and staff scheduling.

Bachelor's degree preferred. Two years experience working with low-income and disadvantaged youth. Two years experience with residence hall supervision or related experience with student services. Bilingual desirable in Spanish or Khmer.

Tutor/Counselor. Provides counseling and supervision of students in academic and social activities, assists in dorm supervision and supervision of field trips, recreational activities and cultural events.

Matriculating college students with tutoring and counseling experience and experience working with

low-income and disadvantage youth. Bilingual desirable in Spanish or Khmer

**3445 & 3454 Full-Time Upward Bound
Counselor/Instructors, Summer Residential Program,
North Shore CC**

Instructors in social science, science, literature/writing and math, and one tutor/counselor.

Develop and teach classes, provide tutoring assistance, prepare reports on student progress. Six-week residential program.

Bachelor's degree in a related field required. Secondary school teaching or related experience working with low-income youth.

Employer: The dormitory supervisor and tutor/counselor positions are nonprofessional. They do not require a bachelor's degree. The Employer does not claim that the other positions are nonprofessional, but argues that the program is a community-service, non-credit offering that serves high-school students. Additionally, the positions are inherently temporary and short-term, and are thus too casual to be included in any bargaining unit.

Union: In response to the claim that the positions are casual, the Union points out that instructors in the DCE unit often teach courses that last only six to eight weeks, and they are included in a bargaining unit and pay dues to the Union through a check-off arrangement.

DECISION: Dormitory Supervisor: Excluded. The position is non-instructional and requires no college degree.

Tutor/counselor: Excluded. According to the job description, these positions are filled by college students with tutoring and counseling experience with disadvantaged youth. They are thus somewhat analogous to counselors at an educational camp, and are nonprofessional as well as casual.

Upward Bound Instructors and Counselor/Instructors: Excluded pending additional evidence. As noted previously, seasonal positions such as these may be appropriately included in a bargaining unit if the employees occupying the seasonal positions have an expectation of that they will be rehired into the positions year after year. If they are hired on a one-time basis and do not return, they are generally considered casual.

I have considered the Union's argument concerning employees who teach in the Division of Continuing Education, who are included in a bargaining unit even though they may teach for only a single semester. The DCE faculty have stronger ties to the community colleges than employees in the summer Upward Bound Program. They are professional employees who teach credit courses within the

colleges themselves. They often have the same qualifications as the day faculty and teach the same courses using the same facilities. While some may teach for only a semester, one can predict that many of them do return semester after semester and year after year. By contrast, the Upward Bound instructors' relationship to the colleges is far more attenuated. Furthermore, given that there is only one six-week opportunity to teach every year, the instructors cannot develop an ongoing relationship with the program and are more likely not to return.

Thus, in order for these positions to be included in the unit, the Union must produce evidence that the employees who have occupied the Upward Bound Instructor and Counselor/Instructor positions have been regularly rehired. I will allow the production of such evidence during the second phase of this proceeding (see footnote 1).

3445 & 3451 Part-Time Counselor, Project GO (up to 20 hrs/wk) Mt. Wachusett CC

Recruits participants from high schools. Works with school administrators, counselors and faculty. Conducts workshops for students. Distributes PSAT/SAT and financial aid and scholarship information.

Bachelor's degree in counseling or related field required. Master's degree preferred. Teaching/counseling experience in middle and/or high school, college or agency. Experience with low-income, disadvantaged and/or multicultural populations.

Employer: The position is in a non-credit, non-college community service program with no contact with college students.

DECISION: Included. This position, although part-time, is somewhat analogous to the Academic Specialist for the Upward Bound program and should be included in the unit for the same reasons. Like Upward Bound, Project GO provides supplemental counseling to disadvantaged high-school students with the potential to succeed in college.

3451 Coordinator of Bristol Information Technology School (BITS), Bristol CC

BITS is funded by a Microsoft grant. The Coordinator assists the Program Director/Academic Chair of the Business & Information Management Division with curriculum development, faculty and staff development, establishing academic support programs, developing promotional materials, preparing and placing students in worksites and jobs, installing and monitoring computer hardware and software in student homes, and providing computer support services for students. Provides mechanism for the final evaluation of the project as outlined in the grant, including conducting follow-up studies. Assists in developing and placing students in internships, cooperative education and full-time jobs. Supervises a part-time administrative assistant.

Employer: The position is in a non-credit, non-college community service program with no contact with college students.

DECISION: Included. The evidence does not reveal the prerequisites for this position or the student population

that it serves. However, it is obvious that the position requires considerable training and skill. The Coordinator assists in developing curriculum, placing students in jobs, installing and monitoring computer hardware and software and providing computer support services. The position requires both educational and technical qualifications and is appropriately included.

3451 Instructor, Freshman Seminar, LINKS Program - Middlesex CC

Revises and teaches freshman seminar for the LINKS program.

Master's in related field preferred. Experience teaching adult learners.

3451 Part-Time Student Support Services Coordinator/LINKS (20 hrs/wk), Middlesex CC

Recruits and screens candidates for admission to the LINKS program. Maintains contact with adult education and GED test centers. Maintains ongoing weekly contact with students and instructors. Determines the services that students need and facilitates connections to services and resources within the college and community. Assists students in developing an individual career and academic plan. Helps students enroll in college courses, with continued follow-up through Phase II. Works with advising, admissions, testing and other departments of the college to ensure student support, success and transitions.

Master's degree preferred. Thorough understanding of community college system. Experience teaching and advising adult learners in a college setting, recruiting and placing students, and with learning-disabled students.

Employer: The Instructor position is professional, but teaches only one non-credit, non-academic course. The

part-time Student Support Services position is also professional, but it is not academic.

DECISION: Included. The LINKS program apparently provides support for nontraditional, older college students. The Instructor teaches one freshman seminar to these students. It is a professional position teaching at the college level. The fact that the Instructor teaches only a single course is not a reason to exclude the position.

The Student Support Services Coordinator provides academic support through its broad responsibility for recruiting, counseling and advising this student population. The position is thus appropriately included in this unit.

3451 GEAR UP Coordinator, Middlesex CC

Responsible for day-to-day operation of GEAR UP, a state initiative in the Lowell Public Schools. Coordinates academic and career assessment plans, advises students preparing for post-secondary education. Oversees selection, training and supervision of tutor-coordinator and parent outreach specialist. Monitors student and school progress.

Bachelor's degree in academic subject area required. Master's degree preferred. Prior teaching, counseling or tutoring experience.

Employer: The position is in a non-credit, non-college community service program working with middle- and high-school students.

DECISION: Included. The position is analogous to the two positions in the Lowell Career Pathways for Youth program and the Counselor for Project GO, and will be included for the same reasons.

**3454 Director of Television Production Services,
Bristol CC**

Responsible for day-to-day management of the college television production facility and the scheduling and programming of a local public-access cable channel. Hires, trains and supervises production staff. Assists with the college's communications program. Assists in the preparation of the annual operation budget. With faculty, develops instructional materials for classroom use and distance learning courses. Reports to the Assistant Dean for Learning Resources.

Bachelor's degree required. Master's degree preferred in television production, instructional technology or related discipline. Experience with video, graphic design, digital editing and traditional video production. Working knowledge of Macintosh and Windows media production and multimedia development applications preferred. Experience with public-access cable television preferred.

Employer: The position is managerial.

DECISION: Included. As noted previously, an employee is considered managerial if he or she has a substantial role in formulating policy. The employee's discretion in making policy must be significant in relation to the public entity's mission, or must impact a significant aspect of the public entity, and there must be regular participation in the policy-making process. Although the Director of

Television Production Services is wholly responsible for managing the television production facility at Bristol CC, the position is not managerial within the meaning of G.L.c. 150E. It has a great deal of independence and authority, but there is no evidence that the position has any role in formulating overall policy for the community colleges or for Bristol CC. All other characteristics of the position indicate that it is appropriately included in the unit.

3454 JX 48 Assistant Director of Admissions, Mt. Wachusett CC

Assists Director of Admissions with developing and implementing the college's recruitment plan, with specific attention to nontraditional and underrepresented student populations. Creates programming to support recruitment plans and activities. Collaborates with department chairs and assistant deans to plan faculty recruitment efforts. Assists with statistical analysis and reports.

Bachelor's degree required. Master's degree preferred. One to three years experience in admissions or equivalent.

Employer: Neither this position nor the general title of Assistant Director is listed in Appendix A. The position is managerial.

DECISION: Included. This is an academic support position with no managerial authority.

3454 Grant Writer, Berkshire CC

Writes grants to secure public and private funding for existing programs and new educational initiatives. Provides leadership to faculty and administration in preparing proposals to advance the mission of the college.

Grant writing experience and master's degree preferred.

Employer: The Employer argues that the position is managerial.

DECISION: Included. The position has none of the previously described characteristics of managerial status. A grant writer is an educational-support position requiring specialized skills and experience, and preferably a master's degree. It belongs in the unit.

Part-Time Testing Room Administrator (25 hrs/wk), Middlesex CC

Administers tests in a self-paced learning center and other areas of the college. Scores tests, files results, maintains database.

Bachelor's degree preferred. Computer literacy.

Employer: The position is not professional. It requires no college degree. The testing and scoring tasks are mechanical and involve no judgment or discretion.

Union: The position is in a "gray area" between the MCCC unit and the classified unit. The preference for a bachelor's degree may take the position out of the classified unit.

DECISION: Excluded. The position is clerical, involving administering and scoring tests, filing and maintaining (not creating) a database. The position does

not require a college degree. The testing and scoring duties are mechanical.

Assistant Director, Gallaudet University Regional Center - Northern Essex CC

Assists the Director in implementing workshops, trainings, conferences, graduate credit courses and lectures to meet the needs of families with deaf children, educators, professionals and paraprofessionals who work with deaf children, youth and adults currently in or transitioning to post-secondary education.

Bachelor's degree in an appropriate field required. Master's degree preferred. Fluency in sign language. Knowledge of Deaf Culture. Minimum of three years of experience in a deafness-related field.

Full-Time Collaboration Specialist, Gallaudet University Regional Center - Northern Essex CC

Develops collaborative relationships with schools and programs for deaf and hard of hearing students throughout the region. Assists in identifying exemplary school programs and educational practices. Assures that all efforts are focused on national mission priorities of literacy, family education, and transition, based on the goal of a higher achieving body of students who are deaf.

Bachelor's degree in education of deaf and hard of hearing students or a related field required. Master's degree preferred. Two years of classroom teaching experience at the elementary or secondary level. Experience with various instructional materials for students who are deaf or hard of hearing. Fluency in sign language. Knowledge of Deaf Culture.

Employer: The positions are in a grant-funded, non-credit, non-college community-service program working with

a specialized population of families, educators, professionals, youth and adults.

DECISION: Included. These are highly specialized educational-support position with considerable responsibility for delivering direct educational services, including credit courses, to deaf and hard-of-hearing individuals, their families and their educators. The positions require at least a bachelor's degree, fluency in ASL, and familiarity with the culture and needs of the deaf. They belong in the bargaining unit.

Michael C. Ryan
Mediator
October xx, 2007