

NEWSLETTER

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DCE Bargaining: Frustration At Its Best

The MCCC has moved into its fourth year of attempting to secure a contract for DCE employees. From 1987-1989 there was traditional bargaining with no significant movement. In the 1989-90 year, mediation and fact finding took place, and the fact finder issued his report in January, 1990. At the February 9, 1990 Board of Directors meeting, the Team was given the authorization to take whatever steps it felt were necessary in order to secure a contract. At a joint session on February 12, the presidents informed the MCCC that the fact finder's report had no intellectual basis for a settlement. The Team then visited the campuses to speak with day and DCE faculty and to let them know the status of bargaining. On April 10 and 18, joint sessions were held with absolutely no progress and the reality of a strike became eminent. On April 20 at the Board of Directors meeting, a letter was delivered which had been sent out to all DCE employees by the presidents imposing their last best offer of a 35 percent increase in September and nothing else. With the imposition of a last-best-offer by the presidents — a first in higher education — and the blatant rejection of the fact finder's report, the Team reaffirmed its decision to call a strike. At the MCCC Delegate Assembly the following day, April 21, after a two-hour discussion, the representatives voted unanimously to support the strike. On April 24, the community colleges went on strike with the exception of three campuses.

On May 1, the Superior Court issued an injunction which ordered the presidents back to the table and the union to end the strike. On May 2 the MCCC Team met in Worcester in anticipation of the presidents returning to the table. The presidents agreed that they would return to the table on May 3 but conditioned the return to the table on the calling off of the strike. After hours of discussion between the parties and mediators, it was finally agreed that both parties would return to bargaining on Friday, May 4, with the two mediators. When the Team met to commence bargaining on Friday, however, the presidents had, in fact, conditioned the start of negotiations and unless the strike was called off, they refused to bargain. After seven and one-half hours, the mediators ended the day. A session had been scheduled by the mediators for the next day, Saturday, May 5, and the mediators informed us that they would not cancel that meeting. On Saturday, the MCCC went to Boston for this meeting; the presidents did not show. The Team was informed by the mediators that the presidents would only bargain at reasonable times, and Saturday or evenings were unreasonable times. At the next session on Monday, May 7, after six hours of negotiations, no-reprisal language was signed and at approximately 4 p.m. the strike was called off.

Since that time, sessions have been held on May 8,9, 14,22,23, and 30. During this period, the presidents asked the Labor Relations Commission to go to Superior Court and order it to have the MCCC pay the presidents' costs in connection with the strike; the Commission refused. The presidents rejected binding interest arbitration as a proposal to come to settlement. Throughout negotiations the presidents have kept changing the rules— entire package negotiations, piece-by-piece-negotiations and then back to package negotiations. Presidents informed the Team that if there were to be a summer school strike, faculty would be fired and banned for life from DCE. Some presidents subsequently sent a letter to their DCE faculty. Some presidents refused to sent out this letter.

Up to this time, no negotiations have taken place face-to-face; it has been through the mediators. At the next session on June 13, both parties will meet together. Issues on the table which remained unresolved are salary, arbitrability, workload, appointment, outside entity (third party) employment, and evaluation.

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Summer Leadership Conference

Williams College
Williamstown, MA
August 14-18, 1990

The MTA Summer Leadership Conference will be held at Williams College August 14-18, 1990 in Williamstown. This conference offers over 200 workshops, seminars, and special events over four and one-half days. Higher education will again hold a special tract Wednesday through Friday noon for those who may not wish to attend the entire week. Scheduled to participate are budget analyst Dr. Leroy Dubek from Temple University, higher education chancellor Randolph W. Bomery, and state representatives and senators involved in higher education. On Wednesday there will be a luncheon for all higher education participants and a segmental update on Friday morning. If you would like more specific information on what is being offered, contact either your chapter president or MTA Director of Professional Service Mary Ann Alfond who is responsible for coordinating this conference (1-800-392-6175).

Registration deadline is July 1. The individual charge is \$190 per person for a single room and three daily meals (\$96 for Wednesday through Friday). At the MCCC's Delegate Assembly this year, the members voted to reinstate the fifty percent subsidy for two members from each campus to attend this summer conference. If you plan on attending, contact your chapter president for an application or contact the MTA at the above number.

Alert Alert Alert

The proposed tax package (presently in Conference Committee) includes a provision outlined in Section 83 which would cap the percentage of total budget that the five "budget buster" items could exceed. The five items are pension, interest payments, MBTA, Medicaid, and group health insurance. According to this section, if these items exceed a cost of 37 percent of the state budget, the authorizing legislation for the MBTA, Medicaid, and group health insurance would be revoked. This would mean that new legislation would have to be passed to handle these three areas. The item which affects all full-time employees in higher education is the group health insurance plan, and the expectation, of course, would be that the percentage the Commonwealth pays towards our health insurance would be diminished, if not altogether eliminated if new legislation were to be passed. **Therefore, everyone must call their representatives and legislators immediately** and tell them to contact members of the Conference Committee and remove Section 83 from the tax package. It is important that you tell them that you want it removed as opposed to held or capped at another rate. **Get Section 83 out of the tax package.**

MTA and MCCC Annual Meeting Highlights

- MCCC. The longest discussions at the MCCC Delegate Assembly on April 21 centered around the budget and the DCE negotiations. At the end of the meeting, a vote to support the strike passed unanimously, and the budget as recommended by the Finance Committee and Board of Directors passed. The assembly passed a reinstatement of the fifty percent funding for two people at each chapter to attend the Summer Leadership Conference, the addition of legislative responsibilities were incorporated into the vice president's position, the responsibility for DCE membership was incorporated into the Secretary's position, and a new position to service DCE was approved (DCE Research/Grievance Coordinator). This new position was funded through the discontinuance of the Legislative Coordinator's position. The budget as passed incorporated a \$6 dues increase.

- MTA. The two items which received the longest and harshest debates were the New Business Item to have a statewide action at the end of May and, as expected, the budget.

As the number of teachers being rified and as budgets keep getting cut for education — kindergarten through higher education — the annual meeting delegates

debated at length the need for a statewide action in higher education. The motion which eventually passed gave authorization to the MTA President to call a statewide action to protest the destruction of public education in Massachusetts on a date which she felt was appropriate.

The proposed budget going into the annual meeting called for a \$27 increase. This large increase was due in part to decreased membership and the fight against the Citizens for Limited Taxation (CLT — Barbara Anderson) referendum. Throughout the discussion, it was clear that no one wanted to diminish services and everyone realized the importance of defeating the CLT referendum. The motion which finally passed transferred \$787,042 from the Cash Stability Account into the Operating Budget which brought the dues increase to \$14.

The total dues increase for MCCC (\$6) MTA (\$14) and NEA (\$5) is \$25 for a total dues of \$428 for the year.

Two Complaints Issued Against Massasoit President

The Massachusetts Labor Relations Commission (MLRC) has issued two complaints against the president of Massasoit Community College, Gerard F. Burke.

- In August, 1989, John M. Schultz was chair of the Science Division at the college, and prior to his resigning, he wrote an editorial which was published in the Cape Cod Times in which he referred to three Massasoit unit members as examples of certain “abuses” at the college. Though unnamed in the article, the identity of the the unit members was clear not only to employees at the college, but, in fact, clear to employees of other colleges.

A prohibited practice charge was filed by the MCCC, and on April 17, 1990, the MLRC issued a Complaint against President Burke. According to the hearing officer, “The article . . . reasonably tended to interfere with, restrain and coerce Fitzgerald, Levine and Nagal [sic] in the exercise of their right to file and pursue grievances and otherwise engage in union activities protected under the Law, by suggesting that such conduct amounted to abuse and/or was linked to poor performance and productivity on the part of the employees.”

After the publication of this article, “the president of Massasoit Community College told Fitzgerald [Dennis Fitzgerald is MCCC Grievance Coordinator] to limit his use of contractual leave, and informed him that his career would be jeopardized if he did not do so.”

“By the conduct alleged, the Board of Regents, John Schultz, and Gerard Burke have interfered with, restrained and coerced Fitzgerald, Levine, and Nagle in the exercise of their rights in violation of Section 10(a)(1) of the law.”

- A second complaint has been issued against President Burke for unilaterally transferring bargaining unit work to non-unit personnel.

Prior to August, 1989, the duties and responsibilities of the Director/Counselor of the Displaced Homemaker Program was performed by an MCCC unit member. Consistent with the contract, in the early spring of 1989 and through the summer of 1989, the union unsuccessfully sought a dues payment from a new employee who was hired for this position. When the new unit refused to pay the dues, the Union requested her dismissal. The president then removed the unit member from the college’s payroll and unilaterally transferred the work and the new employee to an outside entity. According to the hearing officer’s complaint, not only did the president transfer this unit work, but he did it without providing the Union with prior notice and an opportunity to bargain. “The decision to transfer bargaining unit work to non-bargaining unit personnel and the impact of that decision are mandatory subjects of bargaining.” The hearing officer also stated that not only had the president failed to bargain in good faith, but he “derivatively interfered with, restrained and coerced its employees in the exercise of their rights guaranteed under the law... and undermined the Union in its ability to collect dues from its members.”

Both of these complaints are being scheduled for a full hearing at the Labor Relations Commission.

MCCC Vacancies

The following vacancies for coordinators and committee membership have been announced. Applications and resumes applicable to the job or committee must be received no later than Friday, July 27, 1990, at 3 p.m. Included with the application should be an summer address and phone number if different than permanent residence.

Committee Vacancies

Joint Study (3 openings). This committee meets monthly with management to discuss areas of mutual concern.

Finance (4 openings). This committee is responsible for the preparation of the MCCC budget as well as monitoring the financial aspects of the union.

By-Laws and Rules (5 openings). This committee is responsible for preparing any by-law or rule changes to be presented at the annual meeting.

Coordinator Vacancies

DCE Research/Grievance. This person for this newly established position will be responsible for all research and grievances at Level II for the continuing education membership statewide. Knowledge of the MCCC, computers (IBM preferred), database, and statistical analysis are important for this position.

Communication. This person is responsible for the writing, editing, and publication of the MCCC Newsletter, statewide communications, monitoring of regents meetings, liason with MTA Communication Division, and overseeing public relation activities involving the community colleges.

Grievance. This person is responsible for all chapter grievances at Level II, preparation of arbitrations, prohibited practices charges, and unit determination cases.

Research. This person is responsible for all research for the day division membership as it relates to the monitoring of the contract and to negotiations. Knowledge of computers, database, and statistical analysis are important for this position.

Because of space constraints, the job descriptions for the coordinators are brief. For the complete job description, you should contact MCCC President James Rice, Quinsigamond Community College, 670 W. Boylston Street, Worcester, MA 01606. All coordinator positions are all for a two-year period ending June 30, 1992, and all require attendance at the Executive Committee and Board of Directors meetings two Fridays per month. Anyone interested in applying for these positions must apply to MCCC President James Rice at the above address. Deadline for application is 3 p.m. Friday, July 27, 1990.

Know Your Contract

- June 1** Work performance evaluation sent to professional staff
- June 4** Notice of sabbaticals for Fall, 1990
- June 10** Student advisement and college service evaluation due to professional staff
- June 15** Summary evaluation due to professional staff
- June 22** Deadline for application for Spring, 1991 sabbatical

N. B. Dates vary depending on first day of classes. Also, most of these dates are "last date" standards. In many instances, the action can be accomplished before the date indicated.

MCCC Newsletter

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