

MCCC NEWS



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Committee Wrapping Up 1st Round Of Appeals

By Joe LeBlanc, MCCC Vice President



The Unit Professional Staff Appeals Review Board will finish its last first round case on Jan. 28.

The long-delayed process is deciding appeals cases where "a professional staff member believes that their job classification does not reflect their assigned responsibilities. Any decision must be based on the original Comprehensive Position Questionnaire, assigned classification specification, and job evaluation system analysis." (Agreement, page 109)

In spring, 2002, more than 150 individual appeals were filed from all colleges. Two types of appeals were filed: those involving simple math errors and other, more complex cases involving questions of policy,

which were initially analyzed by DMG-Maximus, the classification system consultant.

An example of a math appeal involved a member requesting credit for related experience as an AFSCME Technical Assistant. In another case, a member appealed to receive credit for years of teaching at the secondary level.

Policy appeals were much more diverse. An Admissions Counselor, for example, appealed to become a Senior Admissions Counselor with a pay grade increase. An Assistant Librarian appealed to become a Librarian, potentially moving from grade 3 to 5. Some members have changed positions since the original study and will be reexamined in the next phase of the process in spring 2003 when job audits are conducted.

Committee members dealt with most of the math appeals in July and August, 2002. Since then the pace has quickened significantly as the BHE assigned staffers Catherine Hacker and Evan Moran to the project. The consultant also hired additional help to analyze the policy appeals.

Beginning in September, 2002, DMG produced a brief analysis of each policy case (condensed from in some cases more than 100 pages of documentation) along with a comment and recommendation, the Review Board next analyzed each case and the consultant's recommendation, checking it against the job specification(s), supporting appeals documentation and the Unit Professional Placement Structure, commonly known as "the grid" (see page 112 of the Agreement). Committee members did agree with DMG in many cases, but did overrule the consultant when warranted.

Appeals settled in a member's favor which are the fault of the employer/consultant will be paid retroactively to July, 1999. All other successful appeals will be paid retroactively to August 25, 2002. In February and March, the BHE will write individual letters to members outlining the result of their appeals. Salary adjustments will then be made on a college by college basis with retroactive payments soon to follow.

The Review Board will meet with DMG consultant Jim Battigaglia in early February, 2003 to discuss a few outstanding policy issues and questions, including providing a more specific definition of the Job Audit process.

Phase II will include the Job Audit process as well as the processing of all remaining unclassified unit professional staff. Also look for the Faculty Appeals process to begin on Feb. 20 with seven meetings scheduled through April 10.

Special thanks are due to an outstanding Review Board. All members have lived up to their charge of doing the right thing in a fair and just manner. MCCC members include Carol Mathison, STCC; Laurie Ranger, Middlesex; and Linda Stern, Mass. Bay. MTA consultant Katie D'Urso assisted the board, and I or Rick Doud have attended all meetings.

Management's team has included the following Directors of Human Resources: Steve Fabbrucci, Northern Essex; Gary McPhee, Middlesex; and Maureen Wildey, Holyoke. The BHE's Deputy Director of Human Resources Peter Tsaffaras, Hacker and Moran also assisted the Review Board. ■

Elections Deadline February 6

Elections for delegates to the Annual MTA Meeting and National Education Association Representative Assembly ("the RA") will be held by mail-in ballot in the spring. A nomination form is included in this issue and has been running since November. Nominations may be submitted in written form or by our online form. Nominations must be received at the MCCC Central Office by February 6th by 4 p.m.

An online nomination form is available on the MCCC website: <http://www.mccc-union.org/>

The MTA annual meeting will be held in Boston Friday afternoon and all day Saturday, May 25 and 26th. Elected delegates who live more than 25 miles from Boston are entitled to share a hotel room for the evening. Delegates also receive a modest stipend from the MCCC to offset expenses.

The NEA-RA will be in New Orleans July 1-6, 2003. Up to 15 MCCC elected delegates who attend the "RA" may receive subsidies from the MCCC of \$800 for hotel, meals and travel expenses. All expenses need to be carefully documented with receipts that must be turned in within 30 days after the RA. ■

Appointment & Transfer Contract Violations

Recent court findings overturning arbitration decisions have altered the traditional remedy sought when a college violates articles 16 or 17 of the collective bargaining agreement. In the Day collective bargaining agreement, Articles 16 and 17 provide a priority system for unit members seeking an appointment or transfer to a vacant position.

The contract requires that the College appoint equally best qualified unit members in the following order: 1) re-trenched unit members within the Community College System; 2) unit members within the department where the vacancy occurs; 3) unit members at the College where the vacancy occurs; 4) unit members employed at another Community College; and 5) DCE unit members who have taught at least 5 courses over 3 consecutive fiscal years in the Division of Continuing Education at the college where the vacancy occurs. The President of the College determines whether candidates are "equally best qualified" but must act reasonably in making this determination.

Historically, the MCCC has successfully utilized the arbitration process to get a "make whole" remedy when an arbitrator determines that a College violated the contract. A "make whole" remedy includes an order to appoint the grievant to the position and compensation to the grievant for all lost wages and benefits (mitigated by any income earned between the time that the College refused to appoint the grievant to the position and the date of the arbitration award).

Recent court decisions require public higher education unions to seek alternative remedies in "failure to appoint/transfer cases". Several, but not all, Colleges have appealed arbitrator appointment orders to the courts. The Colleges argued that M.G.L. chpt. 15 specifically delegates sole authority for appointment to the college administration. Further, Colleges argue this responsibility is "non-delegable" and, therefore, beyond the scope of authority vested in an arbitrator. The latest such court decision, issued on November 13, 2002, found in favor of Salem State College administration's

"non-delegable" argument and vacated an arbitrator's appointment order. MTA is appealing this decision.

Although the non-delegable doctrine may be used to set aside an arbitrator's award to appoint a grievant to a contested position, it does not prevent the enforcement of alternative remedies. The MCCC was successful in getting the court to order back pay from the date the grievant ought to have been appointed to the contested position through the date of the arbitration award. In a subsequent case, the MCCC successfully sought a remedy for appointment to the position grieved and full back pay for all lost salary.

The MCCC continues to seek a "make whole" remedy inclusive of appointment and back pay when a College violates Article 16 or 17. However, when such a remedy is deemed unavailable, the MCCC will seek an order requiring that the College redo the appointment process in compliance with its contractual obligations and compensate the grievant for any lost income. ■

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President's Message

January 2003



Rick Doud,
MCCC President

As we welcome back our students for the spring 2003 semester, I just wanted to give you an update on two issues that we have been dealing with for quite some time and that now finally seem to be coming to closure: professional staff appeals and the new student evaluation form for faculty.

For professional staff: By the time you read this, the first round of 150 professional staff appeals will have been completed. I know this took a very long period of time to finish, but giving detailed consideration to each individual appeal was a very lengthy process. Either in late February or early March, the BHE will send a letter to every professional staff unit member who filed an appeal. The letter will inform unit members as to whether their appeal had been denied or upheld and, if upheld, what their new salary will be and any retroactive amounts due. The BHE plans to adjust the salary of unit members whose appeal was upheld no later than the last pay period in March. I do realize that there are a number of unit members who have changed positions or for some reason have never been classified and who have also appealed. This second round of appeals will be dealt with as soon as the first round of appeals has been completed.

To everyone who filed an appeal, I do very much appreciate your patience in the appeals process.

For faculty: I am strongly urging you to participate in piloting the new Student Evaluation Form this spring semester. During the last round of bargaining both sides expressed dissatisfaction with the old instrument, and a committee was formed to select a new form. This joint Labor/Management committee selected a new series of student evaluation forms from the University of Washington. One of the features of the new forms is that there are different versions to be used in didactic, laboratory, and clinical settings. The MCCC and the BHE have agreed to pilot these new forms this semester, prior to their actual contractual implementation next fall semester. Full-time faculty do not normally use student evaluation forms in the spring, but, even if it is an inconvenience, please help us by agreeing to try them out this semester. The results of the spring student evaluations will not be used in any official capacity by the colleges or the BHE, but it is important that you and your students get comfortable with the new forms. All faculty will be using the new forms next fall. Please help all of us by agreeing to try them out this semester. We need to work out any potential kinks in the use of these new forms BEFORE they are officially used as evaluation instruments next semester. Please let your chapter leadership know of any problems you encounter when using the new instrument. We need your participation and feedback. If for some reason you opt not to pilot the new forms this semester, you need to let your Division Dean know by February 14th. Thanks for your help in making the transition to the new form successful.

In Solidarity, Rick

Editorial Comment

"Counterpoint" by Peter Flynn

Anticipation of His Excellency's moves to deal with the economic crisis has spawned a dour mood and rumors bordering on paranoia about possible restructuring of higher education in the Commonwealth. News about labor unions givebacks and the ripple effect of reductions in federal and state funding from around the nation tends to feed this angst.

The particular situation of the community colleges, in my view, is not quite as grim. Enrollments are up statewide. The effects of educational reform and a decade of standard-raising efforts at the university and state colleges combined with the demand for retraining have conspired to sharply increase the numbers of students arriving at the doorsteps of every community college.

And the colleges are ready to serve the needs of those students. Since their inception, the community colleges were

conceived to respond to evolving community needs. They have always shown flexibility and liveness in shifting their programs and services to those needs. During the nineties, as student enrollments dwindled, the colleges themselves retooled anticipating the role of technology by expanding computer labs and developing distance education programs.

Undeniably there are concerns that collective bargaining rights will continue to be assailed as managers will tend to exploit the fiscal crisis to expand and push their prerogatives. Some restructuring will likely occur. Wages are unlikely to grow in disproportion to the overall wage structure in our economy.

But as there is so much value in what we do, I believe that teachers and professional staff will weather these troubled waters well. ■

Know Your Day Contract

January 2003

- Jan. 20 Martin Luther King Day
- Jan. 21 Earliest classes can begin p.34
- Jan 23 Fall student evaluation summary due p.40
- Jan 25 Course Materials Submitted p. 40
- Jan. 31 Faculty schedule changes due to chapter president

February 2003

- Feb 1 Summary Evaluation Due p.41, 42
- Feb 1 First Year Professional staff and part-time faculty evaluations
- Feb 1 Sabbatical Recommendations due to board p. 18
- Feb 12 Summary evaluation rebuttals due p.41
- Feb 15 First year professional staff evaluation conference p.42
- Feb 16 Reappointments due for first through third year faculty p.29
- Feb 23 Course materials returned p.40
- Feb 28 New full and part-time hire list due MCCC

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

SAC REPORT

Preparing For Spring Budget Battles

By Joe LeBlanc, MCCC Vice President

Calling for a "lighter, more agile bureaucracy," Gov. Mitt Romney has proclaimed an era of smaller government. Delivering his inaugural address in a style much like a CEO, Romney is calling for more personal responsibility and less reliance on state government. This is not good news for our members.

State employee layoffs and cuts to local aid and many programs are sure to follow, right? But wait a minute. Romney is no longer a CEO. He is governor, and his House I budget is subject to legislative approval. While House Speaker Thomas Finneran and Senate President Robert Travaglini have been polite and restrained in commenting about the new governor and his agenda, the Democrat-dominated legislature will not be enacting the governor's House I budget.

Both House and Senate will pass their versions of the budget this spring and the Conference Committee will work out differences. Expect a budget to be sent to the governor in July.

MCCC members should be concerned about the details to emerge in the governor's budget in late February. Romney's statements should motivate all of us to contact our legislators this spring, as the House and Senate work to make up a budget gap of as much as \$600 million in FY 03 and \$2 billion in FY 04.

U.S. Senator John Kerry sees a gap between Romney's rhetoric and reality. "The rubber hits the road when you have to marry the rhetoric about poor people and children and schools and the quality of education and skills – it doesn't come for free. And you're going to have to marry that kind of concern with the realities of what it takes to help those folks."

"Public servants will have to pay a price. And there will be painful cuts," the governor said in his inaugural address. For a start, this will likely translate into some state worker layoffs before the end of this fiscal year. Connecticut, facing a similar budget crisis, has laid off 2,700 workers in recent weeks. Romney has promised "immediate action" to address the shortfall in this fiscal year.

The news isn't any better for FY 04. The Mass. Taxpayer Foundation is forecasting a large structural deficit. In a presentation to new legislators last month, MTF President Michael Widmer said lawmakers "need to replace one-time resources that support ongoing spending in 2003." He is anticipating only modest revenue growth in FY 04, which will not keep up with rapidly increasing health care costs, unavoidable program growth and inflation.

News Bits

At the November 22, 2002 Board of Directors meeting the following were appointed as **SAC Regional Coordinators**:

- Roberta Albano,
Springfield Tech. Community College
- Donnie McGee,
Bristol Community College
- Caroline Schwarzwald,
North Shore Community College

The November BOD meeting saw the adoption of the **Long Range Plan**. It's on the web site.

Consultant Michelle Gallagher again reminded directors that the **MTA Higher Education Conference** is scheduled for April 11, 2003, and that ideas are needed for possible topics.

Visit the MCCC Website <http://www.mccc-union.org/> ■

Jane Swift's proposal to increase our 85/15 health insurance contribution (overridden by the legislature last summer) is certain to be included in Romney's budget. Though our health insurance co-payments increased last year, higher ed. budgets decreased and more than 20 higher ed. contracts remain unfunded, this attack on member benefits keeps returning like a bad dream. Many faculty and professional staff will pay ten percent more (\$1,300 more per year for a GIC family plan) if this is enacted into law.

The governor will propose higher education cuts again this year with troubling rumors of college consolidations and closings. This comes after an 11.2 percent decrease from FY 01 to 03. Expect colleges to continue to increase fees in a state where higher education spending has dropped to 4 percent of the overall state budget.

All this bleak news makes SAC's lobbying work on Beacon Hill and your participation more important than ever. While the governor's honeymoon will continue for a few more weeks, we must prepare to oppose his attacks on our members and our benefits, as well as to advocate for our legislative package. In this time of economic uncertainty, your efforts on the political front are indeed important as we watch the divide grow between Mitt Romney's rhetoric and the reality. ■



Mark Milliron, President & CEO
of the League for Innovation in the
Community College, Phoenix, Arizona

7th Annual Massachusetts Community College Conference on Teaching & Learning

Collaborative Strategies
in the Digital Age

Friday, April 11, 2003
8:00 a.m.- 3:45 p.m.
Cape Cod Community College
West Barnstable Massachusetts

Keynote Speaker:
Dr. Mark Milliron
President and CEO of the
League for Innovation in the
Community College, Phoenix, Arizona

Sponsors:
The Community College
Executive Office
The Massachusetts
Community College Council
The Council of
Senior Student Affairs Officers

Recruitment for DCE Bargaining Team

The current DCE contract expires December 31, 2003. Applications are now being accepted for the MCCC Negotiating Team for the 2003-2006 DCE contract.

Team Composition and Responsibilities

The team is composed of the President and Vice-President of the Council and a minimum of five members of the DCE unit, appointed by the Board of Directors. The team has the responsibility to negotiate with the employer on behalf of the Council and the unit on all matters relating to hours, wages, and conditions of work. The team's term of office ends upon the expiration date of an agreement or the formation of a new team.

Commitment

Applicants should understand that membership on a team constitutes a large time and energy commitment, a commitment to training, a commitment to serving the team as required as spokesperson, chair, vice chair, secretary or member at large, and in any other related way as required to serve MCCC members. Attendance at the Negotiations Track at the MTA Summer Leadership Conference at Williams College, August 2003 and/or other training may be required of team members.

To Apply

DCE unit members interested in applying should submit a cover letter and résumé to the MCCC office. The following information should be addressed in these materials.

1. Union experience at chapter level, statewide level, or in other systems
2. Academic background
3. Bargaining experience
4. Knowledge and understanding of labor relations
5. Reasons for wishing to serve

Applications must be postmarked no later than March 1, 2003, and mailed to DCE Negotiating Team Application MCCC
27 Mechanic Street Suite 104
Worcester, MA 01608

Interviews and selection will be conducted in March and April, and the team will be appointed by the June, 2003 Board of Directors meeting. ■

MCCC News

<http://www.mccc-union.org>

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The **MCCC News** is a publication of the Massachusetts Community College Council. **The Newsletter** is intended to be an information source for the members of the MCCC and for other interested parties. The material in this publication may be reprinted with the acknowledgment of its source. For further information on issues discussed in this publication, contact Peter Flynn, Northern Essex Community College, Haverhill, MA 01830, e-mail Communications@mccc-union.org

It's Beginning To Look A Lot Like 1990

By Craig Sandler, State House News Service

The resemblance to the first days of the Weld administration is eerie for Beacon Hill veterans. One of the first appointments William Weld made was Peter Nessen, as administration and finance secretary; one of Mitt Romney's first was – Peter Nessen. Back in '90, Nessen was an unknown; now he's a (distinctive and affable) blast from the past who never totally exited the policy stage.

He's been named the Governor-elect's education advisor, and Romney hopes to make him education secretary, if the Legislature will create the post – as Gov. Weld proposed, successfully, back in the early '90s.

In 1990, Nessen was the most intriguing figure of the new Weld team. They had been elected to move Massachusetts into its next political era, out of the period of big-government social investment and into a phase of "government is the problem" eyes on the bottom line.

Now, as then, the state has just wriggled out of an old political skin. For the first time in 30 years, a mainstream, consensus Democrat has been rejected for governor because voters here, as nationwide, preferred the message of the Republican.

And of course, now as then, the state's finances are in horrible shape. Massachusetts faces at least a \$2 billion gap between revenues and expenditures; Romney has pledged, as Shannon O'Brien would not, to solve the problem without any increase in taxes.

And just as in 1990, the first item in the crosshairs for spending cuts is state aid to cities and towns. Weld stopped being jolly and novel for the press corps on the day in 1991 when he stood in the Great Hall and said state aid for local governments was going to be cut by hundreds of millions of dollars. (He went back to being jolly and novel – for the press, not the cities and towns – when the economy improved.). This week, the in-

coming administration made clear the same kind of cuts are in the opening chapter of their story, just like Weld's.

How that story turned out is subject to interpretation, based on ideology. Weld established a norm – socially liberal and fiscally conservative – voters have continued to favor ever since. Many members of the Democratic State Committee have never cast a winning vote for governor as a result, so it's a story Romney wouldn't mind retelling even if the opening is brutal.

•••••

As Mitt Romney completed a press conference introducing six members of his administration, a group of senior citizens broke out in song, imploring Romney to reverse cuts in spending on health care programs. To the tune of "Deck the Halls," members of the Massachusetts Senior Action Council sang, "Fifty thousand lose their health care. Falalalala Lalalala. Sacrificed for corporate welfare. Falalalala Lalalala."

When Romney scooted up a stairwell immediately after his press conference, activists missed their chance to hand him a pair of stockings with 800 cards signed by opponents of the budget cuts. They wound up delivering the cards to the governor's first floor mailroom. "It was okay," council director of organization Sue Kirby said after the event. "It was a little harried. We delivered our cards and we got some attention and our members felt good about being able to do that."

The council wants lawmakers and Romney to restore dental benefits for 600,000 MassHealth recipients, reopen enrollment in a children's health program, restore MassHealth eyeglass, dentures and prosthetic benefits, and to prevent the scheduled April 1 elimination of state health benefits to 50,000 recipients who are categorized as the long-term unemployed.

Romney's public statements decrying budget cuts that have fallen on the needy encourage Kirby. "He has said he would like to see cuts restored," she said. "We certainly haven't seen any indication that he's moving to do that. And we haven't had the opportunity to meet with him."

Romney recently deflected a question about his campaign promise to file a budget that includes no new taxes and no cuts in essential services. Asked about new taxes, Romney said: "I don't believe that's going to be necessary." He said his budget proposal "will of course involve cuts. It must involve cuts." Which cuts, he said, he could not say because he has not reviewed them. ■

"If You Want To Be Heard, It Helps To Have A PAC"

So says political consultant Joel Blackwell in his book, *Personal Political Power*.

A few months ago, the MCCC created its own Political Action Committee in an effort to further strengthen its clout on Beacon Hill. So far:

- Our PAC quickly raised funds to use in the fall election
- Our PAC contributed to 14 races
- Our members will visit these legislators soon to get further acquainted

In these challenging times on Beacon Hill, we need your contributions to our PAC TODAY!

Signed,

PAC Co-chairs and retired faculty Thelma Halberstadt and Priscilla Caira and PAC Treasurer Phil Kennedy

Send your checks payable to the "MCCC PAC" to MCCC Political Action Committee, 27 Mechanic Street, Suite 104, Worcester, MA 01608



MCCC Video

The MCCC is initiating a project to produce a CD-ROM or other medium about the MCCC - its history, its purpose, its people, past and present. To this end we need to create a detailed plan, acquire and create video documentation, and then assemble the materials on a CD or other appropriate medium.

We need writers for content of interviews, interviewers who could conduct interviews and tape them on digital DVD video, and video production experts who could assemble the video and audio for a final product and aid in the production. Any unit member who might be able to help, and who would be willing to contribute to this project, is invited to contact Treasurer Philip Mahler at 978-369-1972 (home office) or email at Treasurer@mccc-union.org. Current members of the project steering committee are Phyllis Barrett, Sandy Cutler, Rick Doud, and Phil Mahler. ■

Report Your Medical and Dental Insurance Concerns

Anyone having concerns about the GIC medical plan or Delta dental should report them to
Abe Sherf,
402 Paradise Road,
Swampscott, MA 01907
Fax or phone 781-592-1330



Day Grievance Coordinator Dennis Fitzgerald presented at the December MCCC Day Negotiating Team meeting. Standing; Treasurer Phil Mahler, Dennis Fitzgerald, President Rick Doud, MTA Consultant Katie D'Urso, Brooks Smith CCCC, Gail Stuart NECC, Secretary Phyllis Barrett, Seated; Vice President Joseph LeBlanc, Cathy McDonough HCC.