

# MCCC News



The Official Publication of the *Massachusetts Community College Council* / Volume 19, Issue 3 / November 2017

## MCCC Fall Conference Produced Lively Discussions



MCCC President Diana Yohe opened the Fall Conference on Oct. 26 with a welcome and introductory remarks.

(Photo by Don Williams)

The Oct. 26 MCCC Fall Conference at the Courtyard by Marriott in Westborough was very successful in bringing members together to share ideas with about 60 members attending.

President Yohe opened the conference with a welcome speech. She pointed out that nominations are opening for MCCC officers and NEA/MTA annual meeting delegates and urged attendees to consider running for offices.

A variety of breakout sessions were offered covering some of the crucial issues for full- and part-time members. Two were offered before dinner, and one after.

Retirement planning is a popular, regular feature of the conference, and this year the union was fortunate to have a representative from the State Retirement Board, Rachel Grimaldi. She held two sessions where she explained provisions of the state system and took questions.

This was predominantly for full-time members, as few part-time faculty and staff qualify to participate in the State Retirement System (SERS).

MCCC Vice President Jeff Seideman addressed another retirement situation that both full- and part-time faculty and staff face. He conducted two sessions on the Social Security GPO/WEP (Government Pension Offset/Windfall Elimination Provision) which reduces the amount of Social Security benefits for people who qualify for Social Security retirement benefits but who also collect a state pension from a state, like Massachusetts, that doesn't pay into Social Security.

While most part-time faculty and staff are not included in the SERS, they are part of the OBRA plan where they contribute into a separate system, with no state contribution, that is essentially a tax sheltered savings plan. In some cases part-time faculty and staff may have their Social Security affected by the GPO/WEP because of OBRA. As

leader of MCCC's Strategic Action Committee, Seideman pointed out that the MCCC/MTA are supporting House Bill 639 that, among other higher ed. improvements, would allow more part-time employees into the SERS.

Two different sessions were held relating to adjunct faculty. The first was a roundtable discussion moderated by Michelle Nash from STCC, where members got to share their concerns. MCCC DCE Grievance Coordinator Joe Rizzo offered a workshop on challenges DCE faculty face.

This session generated some interesting discussion. Rizzo explained how the MCCC ended up with two bargaining Units: Day and DCE. The law that enabled state colleges to offer summer and evening classes considered those classes to be "continuing education" and required that they be offered "at no cost to the Commonwealth." They had to be self-funding with faculty paid from the tuition and fees, as opposed to full-time

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### MCCC Nominations Now Open

#### **Nominations are being accepted for the following positions:**

- MCCC officers: President, Vice President, Treasurer and Secretary
- Part-time/Adjunct At-large MCCC Directors (2)
- MTA Annual Meeting Delegates, Boston, May 4 – 5, 2018
- NEA Representative Assembly Delegates, Minneapolis, MN June 30 – July 5, 2018

#### **Nominations Close Thurs., Feb. 1 at 4 P. M. and must include the following:**

- Candidates for MCCC President, Vice President, Treasurer and Secretary must submit an original nomination sheet plus signatures of 50 active MCCC members to the MCCC Office. Candidates are allowed statements of up to 250 words with photo for publication in the March MCCC News sent to the MCCC Communications Coordinator (communications@mccc-union.org).
- Candidates for Part-time/Adjunct At-large MCCC Directors must submit a nomination sheet along with signatures of 10 active MCCC members to the MCCC Office. Candidates are allowed statements of up to 250 words with photo for publication in the March MCCC News sent to the MCCC Communications Coordinator (communications@mccc-union.org).
- Candidates for NE-RA Delegates may submit a 50 word statement with their on-line nomination that will be printed and mailed with the election letter.

#### **Election will be conducted online. Materials will be mailed out the first week of March with unique member IDs and PINs. Voting will close Friday, March 22 at 4:00 P. M.**

Note: Members must be elected to the MTA Annual Meeting, but write-ins are accepted up to the closing date of voting. The top 15 vote recipients for the NEA-RA will receive financial support from the MCCC to attend the meeting in Washington, D.C.

Signature forms and the online nomination forms are found on the MCCC website: [www.mccc-union.org](http://www.mccc-union.org) ■

### STCC Chapter Votes 202-26 No-Confidence in Cook

On Oct. 4, faculty and staff at Springfield Technical Community College took a vote of no confidence in President John Cook. The motion passed in a vote of 202 to 26 by the All Unit Congress, not just the MCCC members.

President Cook has been in his position a little over a year and in that time has generated a number of conflicts. These were detailed in a bill of particulars that was four pages long, but they wrapped it up in their summary below.

"In summary, the campus has suffered over a year under a president unable to communicate effectively with, or respond to, the needs of the STCC students, faculty and staff. President Cook has been grieved for unfair labor practices, demonstrating that he is unable to function cooperatively in the STCC work environment. He has been fiscally irresponsible in adding high-paying administrative positions to a campus in dire need of more employees who deal directly with our students. His integrity has been called into question, for example, when he hired and pro-

moted his unqualified friend and former colleague. We have no confidence that President Cook has the knowledge or skills to lead STCC effectively."

No confidence votes in college presidents are serious actions and very rare. It is one of the strongest ways employees can get attention to problems with management. As the college CEO, the only authority above Pres. Cook is the college board of trustees.

The chair of the college trustees, Attorney Christopher Johnson, was notified in advance of the no confidence vote, but neither before nor after the vote did he respond to communications. With no acknowledgement of the vote by the

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### Bylaw Proposals Due Feb. 1, 2018

Forms and Submissions at [bylaws@mccc-union.org](mailto:bylaws@mccc-union.org)

## Treasurer Mahler Steps Back

After many years of service to the MCCC, in a multitude of roles, Phil Mahler has resigned as MCCC Treasurer effective Oct. 12 (18). But this doesn't mean that he is departing the MCCC.



Gail Guarino

Besides the treasurer's duties, Mahler had taken on the duties of managing the MCCC office after the 2004 departure of Phil Kennedy, who had been employed in that role by the union. Mahler took on the additional duties, which include supervising a full-time staff of two, overseeing a \$2.3 million budget, and working directly with accountants for the annual audit.

Having retired from full-time teaching at the end of the 2015-16 academic year, Mahler continued his union membership by teaching as an adjunct member. He decided not to continue teaching for this year. And while he is now a retired member of MCCC and MTA, he is no longer an "active" member, so he could not continue in his elected member Treasurer's term.

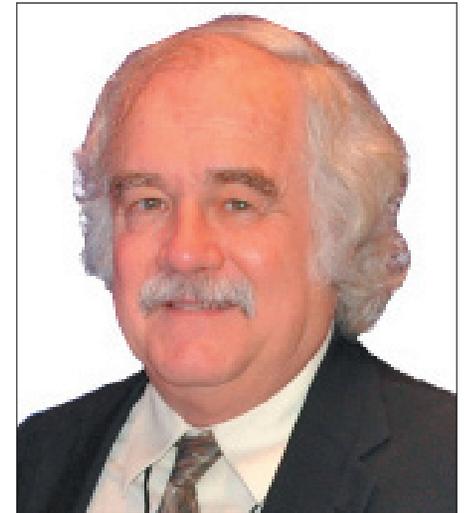
Mahler believes that all the duties involved in managing the office are too much for an elected member treasurer,

who continues to teach or do professional staff duties.

He said, "My current belief is that we need both an elected Treasurer and an appointed office manager."

President Yohe put out a message to the chapters soliciting nominations for candidates to serve out Mahler's term that ends in June 2018. And at the Oct. 20 Board of Directors' meeting, following MCCC Bylaws, they voted to appoint Gail Guarino from Cape Cod Community College to serve out the remainder of Mahler's term.

Guarino brings extensive professional and union experience to the treasurer position. She teaches in the Cape Cod business department with courses that include web design and accounting. Besides serving on the MCCC Finance Committee for many years, she was MCCC Secretary for two terms, was Cape Cod chapter president and director



Phil Mahler

for a number of years, and has served on a variety of union committees.

Mahler said, "I can't think of a person in the MCCC who is more qualified to immediately step into this position than Gail." There are still issues for the Board to resolve in defining the role of an office manager, but Mahler will be continuing his capable work while that happens. ■

## MCCC Fall Conference...

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faculty who are paid with state funds.

When the MCCC organized the adjunct faculty in the late 1980's, the Mass Labor Relations Board determined that the funding differences required different bargaining units for the two employee categories.

Ely Dorsey from Bristol pointed out that while the unit is called DCE (Division of Continuing Education), no such division exists anywhere in the system. He expressed the view that there should be one contract. Rizzo agreed that the union would have more power to benefit adjuncts if we had one contract. He went on to explain how the DCE contract expanded to cover part-time faculty teaching days.

Professional staff had a session dedicated to discussion of their issues. Chapter presidents also had a dedicated session with President Yohe sharing their concerns and ideas.

Candidates for MTA President and Vice President were invited to set up tables to promote their campaigns. With Barbara Madeloni term limited, there will be no incumbent for the presidential election at the MTA Annual Meeting in May. Current MTA Vice President Erik Champy, who is running for president, attended. Vice Presidential candidates Peter Leary and Adeline Bee had tables. Merrie Najimy and Max Page, who are running as a President/Vice President slate, shared a table.

MCCC members had an opportunity to meet the candidates and the candidates had an opportunity to learn about the MCCC and its member concerns.

Five \$100 door prizes were offered as an incentive for members to come early and stay for the whole meeting. The winners were Brandon Griffin, MBCC; Meghan Callaghan, BHCC; Sean Kenney, MBCC; Trudy Tynan, HCC and John Daley, NECC. ■

## STCC Chapter Votes...

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president or the trustees, the All Unit Congress drew up a bill of particulars against Attorney Johnson.

Seven specific issues were listed that revolved around the trustees, and particularly Attorney Johnson, failing to take employee complaints seriously and investigate those complaints about the president's performance. With those issues, the All Unit Congress passed the resolution below with an effective date of Oct. 30.

"Be it hereby resolved that the All Unit Congress, a body necessary for the continuing academic accreditation of

his college, lacks confidence in Attorney Johnson's judgment and his ability to discharge his duties in an unbiased manner. Accordingly, this body formally calls for Christopher Johnson's resignation as Chairman of STCC's Board of Trustees."

Chapter Director Nick Camerota brought the issue to the MCCC Board of Directors on Oct. 20, and they voted to support the STCC chapter members. When asked about the vote, MCCC Vice President Seideman told the press, "We are in support of their frustration with the president...They want someone better." ■



MTA Consultant Catherine Santiago led a session at the Fall Conference on important issues concerning the Day contract. (Photo by Don Williams)

**Visit The MCCC Online!**  
**www.mccc-union.org**

The MCCC website is the best and most up-to-date source for late breaking developments important to Day and DCE Unit members in addition to being a valuable resource for MCCC contact information, bargaining and legislative updates, contracts, committee assignments, bylaws, local chapter leadership, calendar of meetings and events, and the MCCC News newsletters (current and past).

Find links to NEA, MTA and MCCC on Twitter and Facebook.

Bookmark the site for frequent referral.

## In Solidarity

# Union Solidarity. What Is at Stake?

by MCCC President Diana Yohe

There will be a number of external challenges facing unions in the months ahead. If we are to survive and preserve our strength to collectively bargain agreements that improve the working conditions for our members and the learning conditions for our students, we must come together in solidarity of purpose.

On October 2, 2017, the United States Supreme Court began a new term. As one of its first acts, the Court has agreed to hear *Janus v. AFSCME*, which will determine whether the First Amendment operates as a constitutional “right to work” law in the public sector. The issue was before the Court two years ago in *Friedrichs v. California Teachers Association*, which ended with a 4-to-4 tie vote following the death of Justice Antonin Scalia. All eyes are now on Trump’s appointee, Neil Gorsuch, to cast the deciding vote in *Janus*.

The *Janus* case represents a decades-long campaign by the National Right to Work Committee and other anti-labor groups to prevent state and local governments from entering into “fair-share fee” arrangements (called “agency fees” within MCCC). Allowing the sharing of fees represents decades of cooperative labor history in collective bargaining.

A statement released by leaders of our nation’s four largest public-sector unions – the American Federation of State, County and Municipal Employees (AFSCME), the National Education Association (NEA), the American Federation of Teachers (AFT), and the Service Employees International Union (SEIU) – called the *Janus* case “a blatantly political and well-funded plot to use the highest court in the land to further rig the economic rules against everyday working people.”

If *Janus* passes, the rights of workers

to organize and share the costs associated with collective bargaining will be severely limited.

Across the Commonwealth, unionized faculty and staff at our community colleges, state universities, and UMass campuses have been attempting for months to negotiate successor contracts with the state. The financial offers are less than cost of living increases and amount to pay cuts. The lack of funding by the state in supporting public higher education contributes to course cancellations; increased use of adjunct faculty and part-time employees who lack wage parity, job security and benefits; and more hikes in tuition and fees for students. Meanwhile, the state’s per-student investment in public education has declined 31% since 2001.

SEIU 509, representing Tufts University part-time faculty, won a tentative contract agreement with its administration on October 10, 2017—one day before a massive faculty walkout. After seven months of negotiations, the proposed five-year contract achieved fairer pay, better job security, more paid professional development opportunities, and other benefits for its part-time faculty. Highlights included:

- Significant pay increases: Over half of the part-time faculty will see a raise of 22.5% over the life of the contract. Others will receive a minimum 12.5% pay increase during this contract.
- Job Security and Professional Courtesy: There will be stronger provisions governing the review and appointment process. Faculty will receive earlier notification if their contract will not be renewed, giving them adequate time to find other employment.

- Professional Development: Tufts will expand the eligibility criteria to improve access to fund for paid professional development opportunities for faculty.

The achievement of this SEIU contract demonstrates the power of solidarity of action that involves all stakeholders including students and the community served and demonstrates that “When we fight, we win.”

The MCCC DCE/adjunct unit bargains with the 15 Massachusetts community college presidents because the unit must, by law, be totally self-supporting. But, we go far beyond being self-supporting. The MCCC DCE/adjunct unit of over 4,500 underpaid, non-benefited adjuncts who teach 70-85% of all community college credit courses is actually a “revenue generator” for the community college system—the “cash cow,” if you will. Yet, less and less of that generated revenue goes to supporting teaching and learning.

The time is ABSOLUTELY NOW to stop the exploitation of adjunct faculty and to provide #EqualPay4EqualWork for instruction to all faculty within the Massachusetts community college system, whether full-time or part-time.

The MCCC adjunct (DCE) unit has been bargaining with the employer (community college presidents) for over 440 days and (while negotiating two years of a three year contract that expired on May 31, 2016) has been offered 0% and 1%, which would give adjunct faculty an insulting \$10.66 - \$12.88 per credit raise over two years.

The lowest-paid adjunct faculty (Step 1) currently receives \$3,198 for teaching a 3-credit course. The highest-paid adjunct faculty (Step 4) currently receives \$3,864 for teaching a 3-credit course. The



Diana Yohe, MCCC President

revenue generated (tuition and fees) by that same 3-credit course (based on \$619 for 3-credit in-state tuition/fees times a maximum enrollment of 32 students per course) amounts to \$19,808. The revenue surplus after taking out direct costs for faculty instruction is \$15,944 to \$16,610 per 3-credit course. Even with just 15 students per course, the Colleges generate \$9,285 per 3-credit course with a revenue surplus of \$5,421 to \$6,087 per each 3-credit course.

The revenue exists to provide for pay parity for adjunct faculty.

The MCCC Board of Directors is being asked to support DCE (adjunct) contract negotiations through the use of strategic actions, including Work-to-Rule that was successfully used in reaching an agreement on MCCC Day unit contract negotiations in 2015.

It is time for the Board to zealously represent the DCE/adjunct Unit and authorize aggressive actions to reach a contract settlement that respects the work of adjunct faculty. ■



MCCC DCE Grievance Coordinator Joe Rizzo led well attended a session on DCE/Adjunct issues that gave members a chance to share important ideas for improving adjunct conditions. (Photo by Don Williams)



## Write Us

### Letters to the Editor

Only submissions by MCCC unit members will be accepted. Letters should be no more than 200 words in length. The author must include name and chapter affiliation, which will be published with the letter. Authors must provide the editor with contact information in the form of either email address, mailing address or telephone number. Letters will be published on a space available basis and may be edited for length and appropriateness. Not all submissions can be published.

### Guest Columns

Guest Columns should be no more than 400 words in length. Columns by authors who are not MCCC members may be accepted. The author’s name and affiliation will be published with the column.

### Mail to:

Donald Williams  
North Shore Community College  
1 Ferncroft Road, Danvers, MA 01923

### Or email:

Communications@mccc-union.org

# Rizzo Reports DCE Issues

Joe Rizzo gave his Fall DCE Grievance Report on DCE issues and concerns at the October MCCC Board meeting. He discussed a number of important topics, but a few stood out for general interest.

## No SLOs

Rizzo wanted to remind everyone that Student Learning Outcomes (SLOs) are not required for DCE faculty's syllabi. They were added as a requirement in the last Day contract, but DCE faculty should not be asked to include them. In some cases it was department chairs putting pressure on adjuncts. He noted that these demands could result in an unfair labor practice charge by changing the conditions of employment while a successor agreement is being negotiated.

## Concurrent Enrollment/Dual Enrollment

An ongoing concern from a number of angles is the issue of Concurrent Enrollment/Dual Enrollment where high school students take college courses either at their high schools or at college campuses. There has been an issue of high school

teachers doing what should be MCCC work. Rizzo credits chapter activism with causing several campuses to drop plans to do that. This work is being predominantly assigned to DCE faculty.

While who teaches these courses is largely resolved, many challenges exist especially when they are taught in a high school during the day.

- Pay is one issue because of the greater hour commitment in the high school schedule.
- College-level material may not be appropriate for the age of the students, with academic freedom questions being raised.
- FERPA confidentiality and dealing with parents adds complications.
- CORI and SORI checks have been required for college faculty teaching in a high school, but not when high school students were on college campuses. Some colleges now want CORI and SORI checks for faculty teaching a full class of dual enroll-

ment student on campus.

- Instructor responsibility for young students safety and welfare, especially in night classes is also a pressing question.

## Lab Pay Miscalculations

As of Sept. 1, 2014 the calculation for lab pay changed. He cited the Section 14.01 language that said, "The salary for a lab component of a course shall be calculated at a rate 0.74 of the per credit salary step schedule." So a faculty member teaching a 4-credit course with 3 hours of class time and a 2-hour lab should be paid at 3 times the appropriate credit step for the didactic portion and 2 times the lab rate (which is 74 percent of the didactic rate).

Rizzo discussed specific lab pay problems reported at Berkshire, Bunker Hill and Bristol chapters. He suggested that members check their pay to see if their colleges are following the appropriate pay rules. The rates for each level and year are in the contract. ■

# Free Life Insurance for Union Members

Members of the MCCC are also members of the National Education Association, and as an NEA member you are automatically covered by the NEA Complimentary Life Insurance (formerly known as NEA DUES-TAB) term life insurance. It is a guaranteed benefit for Active and Life members. All you need to do is register your beneficiary.

The free program offers \$1,000 of term life insurance, up to \$5,000 (depending on years of membership) of accidental death and dismemberment coverage, and up to \$50,000 of AD&D insurance for any covered accident that occurs while on the job or serving as an association leader.

To register your beneficiary or to obtain more information call 1-800-637-4636, or go to: <http://www.neamb.com/insurance/nea-complimentary-life-insurance.htm> ■



## MCCC News

<http://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. Members' letters up to 200 words and guest columns up to 400 words will be accepted and published on a space-available basis. The material in this publication may be reprinted with the acknowledgment of its source. For further information on issues discussed in this publication, contact Donald Williams, North Shore Community College, One Ferncroft Road, Danvers, MA 01923. email: [Communications@mccc-union.org](mailto:Communications@mccc-union.org)

## Know Your Day Contract

### December 2017

- Dec. 1* Applications due for Sabbatical Leave beginning July 1 for professional staff or Fall semester for faculty. p. 27
- Dec. 22* Last day fall semester can end p. 52
- Dec. 24* **Last Day of classes** Faculty submit college service and student advisement form. p. 51
- Dec. 25* Christmas p. 24
- Dec. 30* Professional staff submit documentation of performance of duties and responsibilities including, but not limited to a log student advisement, if appropriate, and college service activities p. 59
- 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. ■*



Winners of the \$100 door prizes at the Fall Conference posed for a photo are Meghan Callaghan, BHCC; Sean Kenney, MBCC; Trudy Tynan, HCC and John Daley, NECC. Brandon Griffin from MBCC also won but was not available for photo. (Photo by Don Williams)