

**MCCC Report of the BHE/MCCC Committee on the
Appropriateness of the Classification Study for
Professional Staff**

Submitted by the MCCC Members of the Committee

To:

Judith I. Gill, PhD
Chancellor
Massachusetts Board of Higher Education
One Ashburton Place
Room 1401
Boston, MA 02108-1696

March 8, 2005

Table of Contents

Page 4:	Overview of Committee's Work: Background and Process
Page 5:	Content
Page 6:	Findings
Pages 7-8:	Conclusions and Recommendations
Page 9:	Summary
Page 10:	Appendix: List of Attachments A-J

March 8, 2005

Judith I. Gill, PhD
Chancellor
Massachusetts Board of Higher Education
Room 1401
One Ashburton Place
Boston, MA 02108-1696

Dear Chancellor Gill,

Two reports are being submitted by the BHE/MCCC Committee on the Appropriateness of the Classification Study for Professional Staff. Consensus and communication toward that end were actively sought but the committee was unable to reach consensus. What follows and the associated attachments, provided to all committee members over the course of our work, are the MCCC committee members' report. We, the MCCC members of the Committee, wish to thank you for your willingness to support the forward movement of the work of this committee as it could affect equity for many employees in the Massachusetts community college system. Your support for the research of the Committee with the \$5,000 that matched the \$5,000 from the MCCC is appreciated. This research, while somewhat limited in nature, was nonetheless controversial to James Brown, an active observer on the Committee. However, it proved to be very helpful to us in facilitating the discussion of the Committee.

At our last meeting on February 24, 2005 it became obvious that we were not going to be able to reach consensus with the management members of the Committee. It is unfortunate that the Committee's work extended beyond the start of formal bargaining for the next contract. While our recommendations are probably now relevant for the MCCC Negotiating Team at this point in time, we wanted you to have a detailed summary of our work and our appreciation for your assistance.

BACKGROUND

The two reports forwarded to you from the BHE/MCCC Professional Staff Committee on the Appropriateness of the Classification Study are based on the charge, as prescribed in the Contract Extension of our 1999-2002 contract. It stated that

Subsequent to the ratification and execution of the Extension of Agreement and no later than October 15, 2002, the employer shall establish a committee to study the appropriateness of the system of classification applied Unit Professionals Staff members. This shall be accomplished by studying the methodology used, and by comparing classification or other salary systems applied to similar personnel in the ten similarly situated states and the State of Connecticut. The Committee shall carefully, completely and with serious intent study the issues that fall within its purview and no later than April 1, 2003, contain its findings and recommendations. Notwithstanding the preparation and transmittal of the above referenced report, the findings and recommendations of the Committee are not binding on either the Board or the Council.

"Studying the methodology" and considering classification systems as "applied to similar personnel" in the comparison states was our focus. The MCCC commitment to care, completeness and serious study are evidenced by the attachments enclosed here and we thank you again for your support in making our work as helpful and meaningful as possible under the circumstances.

PROCESS

The full Committee met for first time on 11/6/03. After several meetings, the Committee determined that some assistance from a consultant might be helpful in addressing our charge. The Committee agreed at its February 5, 2004 meeting to submit a copy of the Committee charge and three questions (see Attachment A) to JBL Associates (see Attachment B) at the recommendation of Michelle Gallagher, also an observer on the Committee. The NEA agreed to pay for the initial consultation by JBL as a result of the advocacy of Michelle. It was agreed by the Committee that JBL Associates would be asked to attend the next scheduled meeting (February 26, 2004), to advise the Committee on the best way to proceed with its charge, and, time permitting, to address the questions posed by the Committee.

CONTENT

John Lee, of JBL, met with committee on 2/26/04. Before the start of this meeting in an informal discussion with BHE and MCCC members of the Committee, an MCCC member shared a summary of professional staff bargaining recommendations submitted to the MCCC Negotiating Team in December 2002 (see Attachment C). Following the discussions at the 2/26/04 meeting, JBL produced the attached report dated 3/31/04 (see Attachment D). JBL subsequently submitted a proposal for additional research based on discussions at the 2/26/04 meeting (see Attachment E). The 3/31/04 report gave an overview of two employment issues relevant to professional staff in the Massachusetts community colleges, the appropriateness of the classification system and the question of extra compensation for 12 months work.

The additional research by JBL, funded jointly by BHE and MCCC, led to a draft of a final report (see Attachment F), further questions (see Attachment G), and eventually the integration of the 3/31/04 report that produced the final report (see Attachment H). The spreadsheets attached to the final report (see Attachment I) represent information collected by JBL from a representative sample of community colleges and personnel practices. Four or five institutions in each of the 11 comparison states were reviewed, for a total of 58 institutions. One institution was included for each state (except Connecticut, which has a state-wide contract) from the Massachusetts Board of Higher Education peer list, at the request of Peter Tsaffaras. Faculty contracts were reviewed, unless the institution had a separate professional staff contract or policy manual. In most cases, faculty contracts included librarians, counselors, and some professional staff such as specialists and health service professionals. This information was supplemented with policy manuals for the remaining professional staff not included in contracts wherever possible. Contracts were searched for the following information related to methodology:

- Recognition
- Placement criteria
- Part-time policy
- Evaluation/promotion criteria
- Bonuses
- 2003-04 salary increase amount
- Work year and work week

- 9/12 month equation
- Salary structure
- Rank system

This information was displayed in summary form by college on the spreadsheets.

FINDINGS

Although the consultant, DMG/Maximus, did not review any contracts from the comparison states, they seemed to assume that professional staff were always in separate contracts in the methodology used in the BHE/MCCC Classification Study. However, in the data provided by JBL Associates, some professional staff are commonly included in faculty contracts as non-teaching faculty with similar rights as teaching faculty. For example, teaching and non-teaching faculty are commonly paid on similar or the same pay scale and work year and thus treated more equally than in Massachusetts. More detailed research involving reading and analyzing over 170 contracts from appropriate states by a group of interested Professional Staff from across the system demonstrated that there are many institutions that provide equity between teaching faculty and non-teaching faculty in public community colleges within the comparison states.

In the JBL data from the 38 community colleges that was obtained strictly from faculty contracts that include professional staff, counselors were included in 37 and librarians in 35 of the contracts. In the data from the 20 colleges that was obtained from professional contracts or multiple sources, counselors were included in the faculty contracts in 13 colleges and librarians were included in 11 of the faculty contracts. Therefore, out of the 58 colleges in JBL's sample (see Attachment H), counselors were included in faculty contracts in 50 colleges and librarians in 46 colleges. The largest number of the other job titles included in faculty contracts in both JBL spreadsheets combined was 10 for coordinators, 6 for advisors, nurses, and specialists, and 5 for technicians. The other titles had 1, 2, or 3 totals.

CONCLUSIONS

JBL Associates' reports indicate that the Archer Job Evaluation System, used by the consultant DMG/Maximus in the BHE/MCCC Classification Study, could be adjusted to better recognize the similarities between the classification placement of some professional staff and faculty and the differences among professional staff members (see Attachments D and H). In addition, the methodology could be adapted to better reflect all aspects of professional staff work eliminating the industrial bias that exists in the methodology currently. These differences, that are often recognized and addressed in the comparison states, could be addressed in the Classification Study by more accurately:

- Reflecting the responsibilities of specific professional staff members by making adjustments to the Archer System including a distinction between non-teaching faculty and professional staff.

- Adding a premium to annual compensation for professional staff on a 12 month work year.

- Awarding additional annual points for experience to take into account the longer work year as compared to the faculty work year.

- Assigning points for part-time experience in the placement process.

RECOMMENDATIONS

The MCCC members of the Committee recommend that:

- The MCCC Negotiating Team explore ways to make adjustments in the Archer system that would make the Classification Study more appropriate when compared to the ten similarly situated states and the State of Connecticut.

Specifically, the responsibility section of the position description could be segmented and counted in the same manner as work and aptitude requirements are in the Archer Job Evaluation System. DMG/Maximus conducted a job position survey to place positions into bands based on three categories: work requirements, aptitude requirements, and responsibility factors. A weakness in the Archer System seems to be that it does not clearly quantify the weight for responsibility factors. Each position has a

detailed description, but the assignment of responsibility level seems to be broad compared to the systematically listed work and aptitude requirements. This general approach makes the job responsibilities harder to quantify in the DMG/Maximus study, according to JBL Associates (see Attachment D).

-The MCCC Negotiating Team explore ways to consider viewing some professional staff as non-teaching faculty who are seen as academic professionals comparable to teaching faculty as is the case in many comparison state community colleges. In this way, the work year and compensation differences with comparison state community colleges could be addressed. Additional and more detailed information than JBL Associates was able to produce with the limited scope of its research (see Attachment G for discussion of JBL's research limitations) has been made available to the MCCC Negotiating Team. Information supporting this recommendation was acquired from the review of over 170 individual contracts from the comparison states by a group of interested Massachusetts community college professional staff and submitted to the MCCC Negotiating Team (see Attachment J for samples of this contract analysis project that were shared at the 2/24/05 Committee meeting).

-Job titles of some non-teaching faculty could simply be moved to the faculty grid in the Classification Study as a way of achieving equity for appropriate professional staff.

-For those professional staff remaining on the professional staff grid in the Classification Study that relies on the Archer Job Evaluation System employed by DMG/Maximus, JBL recommended that the Archer System be adjusted by more accurately reflecting the responsibilities of specific professional staff members, awarding additional annual points for experience to take into account the longer work year, and assigning points for part-time experience during the placement process (see Attachments D and H).

SUMMARY

Again, thank you for your support of the Committee's work. We hope that the BHE and the MCCC Negotiating Teams can find ways to adjust the Classification Study to make it more appropriate for the 434 full-time professional staff unit members in the MCCC (there are also 1418 full-time faculty unit members as of October, 2004). We recognize that the Archer Job Evaluation System employed by DMG/Maximus is an accepted approach to classification. However, our review of contracts in the ten comparison states and the state of Connecticut demonstrate that there are a number of creative ways of adjusting the BHE/MCCC Classification Study to better address the issue of equity of non-teaching faculty and other professional staff. As we have said to our Negotiating Team, the primary purpose of a union is to ensure the fair treatment of its members by its employer. An effective union, therefore, first must ensure the fair treatment of its members within the union itself. We hope that the employer will join in the effort to address the issues of equity and fairness for professional staff.

Sincerely,

Michael Bathory, PhD, LMHC, Senior Academic Counselor,
Greenfield Community College

Russ Milham, MEd, MBA, Senior Academic Counselor, Bristol
Community College

Mary Nelson, MLS, Librarian, Massasoit Community College

Mary Jane O'Connor, MA, LMHC, Senior Academic Counselor,
Holyoke Community College

List of Attachments

- A. Committee charge and questions forwarded to JBL Associates from 2/5/04 meeting
- B. JBL Associates, Inc., Corporate Capabilities
- C. Professional Staff Ad Hoc Group's Issues for the MCCC Negotiating Team, 12/6/02
- D. JBL draft review of Professional Staff Study, 3/31/04
- E. JBL proposal to review a representative sample of community college contracts and personnel practices in 11 states, 4/1/04
- F. JBL MCCC/MBHE Peer Policy Review, first draft of final report, 11/4/04
- G. JBL response to questions from 11/4/04 draft report, 1/6/05
- H. JBL Review of Compensation Policies at Peer States for MCCC/BHE, final report, 1/6/05
- I. JBL final report spreadsheets with explanation of grouping of institutions
- J. Samples of MCCC Professional Staff Ad Hoc Group's Contract Analysis Project, Spring, 2004

Contract Analysis Project

PA 119.DOC, contract for faculty, librarians and counselors (excludes all PT employees and managers including Dept. Chairs)

Bucks County Community College, Federation of Teachers, Local 2238, AFT, AFL-CIO

1996-2000

1. Work Year and Compensation

-Faculty members who are employed as librarians or counselors shall have the same rights and privileges of academic dept. faculty members, except in the selection of the Director of Dean

-All are paid in 26 equal installments

-Faculty teach 15 credit hr./sem. except 12 in Dev. Ed. and Eng. comp. and Lit.

-Librarians on 12 mo. contracts are paid 1.3 x base salary with 22 vacation days and 25 after 15 yrs. of service; other librarians are on 9 mo. faculty contract; no mention of counselors working 12 months

-Counselors and librarians are compensated for authorized work beyond their regular schedule at a rate 2/3 the lecture or classroom per hour rate

2. Pay Grade Limitations

-No distinction, same as faculty

3. Point Value Equity

-No distinction, same as faculty

4. Part-time Experience and Prof. Ranking Equity

-Contains a grid for qualifications for hiring and maximum qualifications (additional to degree) for promotion for all Federation members

-Contains placement grid with hiring salary min. for all Federation members

-PT employment cannot be used in ERIP calculation

5. Work Week

-No mention in contract

6. Other Issues of Interest

-Federation meets with College President 1x/mo.

-College shall maintain a min. FT/PT ratio of total number of credits taught of no less than 60%/40% college wide, credit courses only

-Grievance procedure: Step one: informal with Dep. Chair or supervisor; Step two: from Dept. Chair or supervisor to Dean; Step three: President; Step Four: arbitration

-President of college and Federation appoint 7 Federation members to each standing college committee

-College pays for dental and LTD

-Teachers are not required to participate in registration; academic advising is not part of registration procedure and remains the advisor's responsibility

-Max. of 12 hrs. shall elapse between faculty members last regularly scheduled class in a day and the first in the next day

Contract Analysis Project

PA 124.doc, contract for Rank A & B Instructional Aids, Rank V-Instructors, Rank VI-Asst. Prof., Rank VII-Assoc. Prof., Rank VIII-Professors (includes counselors, librarians, and learning lab employees; excludes administrators, Dept. Heads, Curric. Supervisors, PT counselors and librarians, and classified employees)

Community College of Philadelphia, Faculty Federation, AFT, AFL-CIO

9/1/97-8/31/01

1. Work Year and Compensation

-Academic year = 159 days

-24 contact hrs/yr, with 3 contact hrs. = to 2 credit hrs. for labs; 36 student max. in lecture classes; 30 hrs/yr for Art and Office Administration; 12 hr./sem. for lecture classes and 15 contact hrs/sem. if combination of lecture and lab for Nursing.

-32 student max. for Foreign Lang.; 23 or 25 for Eng. classes; (applies for PT teachers also)

-Counselors, librarians, and learning lab employees have 12 mo. contracts; 1 mo. vacation; 5 working days off at mid-yr. break; min. contract shall be 30% greater than fac. working an academic yr.

-Some learning lab employees work the acad. yr. with same breaks as teaching fac.

-Learning lab employees assigned max. of 25 instructional hrs/wk (20 for direct student contact)

-12 month employee shall be permitted to work an acad. yr. (at academic yr. salary and full fringe benefits) at the discretion of the college

2. Pay Grade Limitations

-No_distinction,_same_as_faculty

3. Point Value Equity

-No_distinction,_same_as_faculty

4. Part-time Experience and Prof. Ranking Equity

-Rank and tenure for counselors, librarians, and learning lab employees shall be assigned on the same basis as is the case with teaching faculty

-Each year of professional experience for counselors and librarians = 1 yr. teaching exp.

-2 yr. teaching as a graduate assistant = 1 yr. teaching exp.

5. Work Week

-Teaching fac. have 3 preps/sem. (except first yr. teachers have 2); 6 office hrs/wk on 3 separate days/wk

-Counselors, librarians, and learning lab employees work 35 hrs.wk, M-F with possibility of 1 evening/wk; librarians may have to work weekends for comp. time or extra pay basis at \$123/day

-Faculty work week, M-F 8:00AM-10:00PM with min. of 12 hrs. between classes; can be req. to teach Comm. Ser. Courses on weekends if underloaded and others not available

-12 mo. employees shall work 33.5 hr/wk during mid May-mid Aug. when college is on a 4 day work week

6. Other Issues of Interest

-Pres. of College meets monthly with Federation

-On a monthly basis the BOT shall give the Fed. a summary of all grant proposals it accepts

-Lengthy def. of spouse, including same sex

-Extensive def. of tenure

-Detailed work yr. calc. for Allied Health depts.

-Counselors, librarians, and learning lab employees shall be considered a dept. with counseling Dept. Head having a 50% release time for administrative duties (25% for librarians)

-1 counselor/450 FTE students not in Comm. Ser.

-1 coun./700 FTE Comm. Ser. Students

-Professional counseling is def. as individual and group counseling, teaching of specific counseling courses; and consultation with fac. and students in the Curric. Advising and Developmental Programs

-As with other faculty, counselors, librarians, and learning lab employees may be offered overload teaching by other depts. in disciplines in which they are qualified

-An employee in Rank V-VIII who wishes to work part of his/her load in the Learning Lab may do so with permission of Dept. Head, Learning Lab Dept., and Head of Learning Lab

-Across the board raises: 1998: 3%; 1999: 2%; 2000:4%; 2001:3.5% (all added to base)

-Each employee is required to participate in drop and add advising for 6 hr/sem including the week before classes start; any additional time will be compensated

-60%/40% ratio of FT to PT faculty sections required

-College provides dental ins., Delta Plus

-Rights of any materials dev. for instructional or course assignments belong to the college

-Faculty not req. to teach on more than one campus

-Contract requires interdepartmental Developmental Education services

-A faculty member shall be appointed to coord. Curriculum Advising

-Grievance procedure: I, informal; II, Dean; III, Pres.; IV arbitration

-Section on distance learning

-See detailed experience, qualification, and pay information

Massachusetts Community College Council Professional Staff Issues for the Negotiating Team

The professional staff of the Massachusetts Community College Council present the following issues in order to establish equity among all members of the MCCC. While some of the issues we have identified below are long-standing and others have been created by the latest Agreement between the MCCC and the Board of Higher Education, all require the MCCC's strongest efforts to establish equity for all of its members. The primary purpose of a union, after all, is to ensure the fair treatment of its members by its employer. An effective union, therefore, first must ensure the fair treatment of its members within the union itself.

(1a) Work Year and Compensation Equity: The compensation and work year for Professional Staff Unit Members (PSUMs) should be equivalent to the compensation and work year for faculty, given comparable educational levels and experience. The current MCCC/BHE Agreement defines the faculty work year as 160 days and the PSUM work year as 260 days. We propose that PSUM work the same 160 day contract year and receive compensation equivalent to faculty. When required to work additional days, PSUMs should receive additional pay and benefits at a prorated rate equal to their daily rate.

(1b) Alternative for Compensation Equity: While the PSUM proposal in the preceding paragraph provides the most effective means to achieve equity for all members of the MCCC, if the MCCC and the Board of Higher Education do not agree to equivalent compensation for a 160 day work year for PSUMs and faculty, then the compensation for a 260 day PSUM work year at least should reflect the 100 additional work days. Thus, the salary range in each of the reduced pay grades, as outlined in item 2 below, should be increased to reflect the 100 additional work days in the PSUM work year.

Supporting Information: In 1992 the National Education Association conducted an assessment project at the request of the MCCC Board of Directors. The resulting NEA report recommended a salary equity study for the "entire unit." The report also recognized that "the professional staff in the unit that work 12 months receive the same compensation as faculty who work nine months," and so it recommended that "personnel working on a 12 month contract must be paid additional compensation for each month." Since then, an NEA official referred to the MCCC PSUMs as "summer slaves," stating that he was "surprised by the statement that you work 12 months at the same rate as faculty on 9-10 month contracts." He did not know of any other situation like that and went on to say that "in general counselors and librarians work 9-10 months and are then paid extra stipends for summer. ... The logic is that my work is just as important to students in July as it is in October." A clear demonstration of this inequity can be seen by looking at the salary of a PSUM who has requested a 10/12th option (Article 12.06 C9) and comparing it with the salary of a faculty member with the same seniority and credentials.

Apparently, other states with NEA affiliates consider 160 days to be 100% of the work year for all professional staff and any additional work requires additional compensation. We have requested that Katie D'Urso, MTA Consultant, verify this information with the NEA. Given NEA's logic, the MCCC PSUMs work 100 additional days without additional compensation. PSUMs therefore work 162.5% of the standard faculty work year ($260/160 = 162.5\%$).

Institutions hire PSUMs based on position descriptions that require professional credentials and experience. PSUMs possess qualifications and provide services equal to faculty and should receive equal treatment by the MCCC and BHE. While the NEA recommended a salary equity study for the “entire unit,” BHE/DMG Maximus conducted two separate equity studies, which only served to further exacerbate the inequities for many professional staff unit members.

(2) Pay Grade Limitations: Professional staff pay grades 1, 2, 3, and perhaps 4 that resulted from the Classification Study should be eliminated in order to bring them in line with the minimum education requirements of a master’s degree or its equivalent.

Supporting Information: Almost all PSUM require master’s degrees. Some MCCC community colleges that hire PSUMs with bachelor’s degrees require those PSUMs to earn master’s degrees within three years.

(3) Point Value Equity: The point value for PSUMs should equal the point value for faculty.

Supporting Information: The Classification Study provides seven different point values for PSUMs and only one for faculty, without any justification for the distinctions. The methodology used to calculate the dollar value of each point is totally different for PSUMs and faculty. Moreover, PSUMs work longer to earn the same number of points as faculty. PSUMs work 260-day work years, while faculty work 160-day work years, for the same eight points for seniority and MCCC experience and the values of the PSUM points are lower than the value of the faculty points.

(4) Part-time Experience and Professional Ranking Equity: Internal and external part-time work experience and ranks (I, II, III and IV) should be factors in the compensation structure for PSUMs, as they are in the compensation structure for faculty. (See pages 111 and 112 in the current MCCC/BHE contract.)

Supporting Information: All MCCC members should have an equal opportunity to earn points for the same related professional experience in the compensation structure. In addition, professional rank should be a factor in the compensation structure for professional staff, as it is in the compensation structure for faculty. The determination of rank is already supposed to be equal for all unit members as defined in Article XIV of the MCCC/BHE Agreement. Also, BHE’s RFP for the Classification Study states on page 9 that “individual promotions for full-time and part-time faculty and professional staff must be made equitably within the recommended classification structure.” The consultant, DMG/Maximus, then asked for information about rank in both the M-002 Faculty Data Report Form and the Professional Staff Comprehensive Position Questionnaire Supplement, but then rank was not used as a factor for PSUMs in the compensation structure and it should be.

(5) Work Week: The arbitration decision, dated April 14, 2002, concerning the use of the word “customary” in Article 12.04 C5 of the MCCC/BHE Agreement redefined the standard work schedule for PSUMs and negated a long history of past practice.

Supporting Information: Indications suggest that institutions may try to require PSUMs to work more flexible schedules that will vary as needed by the institution, including working evenings, weekends, and at off-campus locations. If successful with PSUMs, institutions similarly may try to schedule faculty to teach evenings and weekends as a normal part of their work loads too. The MCCC/BHE Agreement should provide a firm definition of all MCCC members' work schedules. The MCCC should remove the word "customary" from the Agreement. Article 12.04 C5 would then read "The work week" We recommend that this change and any other changes needed to render this arbitration "null and void" be made with appropriate consultation.

Also, Chapter 15A Section 26 of the Massachusetts General Laws states that "Each public institution of higher education may conduct summer sessions, provided such sessions are operated at no expense to the commonwealth. Each public institution of higher education may conduct evening classes, provided such classes are operated at no expense to the commonwealth." These provisions place PSUMs who work evenings and weekends and who are paid from state appropriations potentially in violation of state law. This prospect further reinforces the need to change language in the Agreement. Furthermore, when institutions require PSUMs to work at sites other than the "primary work site", they must compensate those PSUMs for any additional travel expenses.

Article 12.04 C8 regarding the requesting and granting of a flexible work schedule could remain in effect as long as the majority of the work schedule remains Monday through Friday between 8:00AM and 5:00 PM. Any exceptions could be subject to impact bargaining.

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