

DIVISION OF CONTINUING EDUCATION
GRIEVANCE PROCEDURES AND UNEMPLOYMENT
COMPENSATION INFORMATION FOR DCE FACULTY



MCCC DCE CONTRACT GRIEVANCE PROCEDURES

Informal Adjustments

Although it is not mandatory, attempt to informally adjust the grievance with the immediate supervisor and/or other college administrators. Be careful of time lines; the 30-day limit still applies unless there is a mutually agreed upon waiver.

Step One - Immediate Supervisor

(Supervisor: Person whose decision, action or omission gave rise to the grievance.)

- 30 Days to file with supervisor with copy to college president.
- 10 Days for hearing and decision.
- If denied/no response, file "Step Two" complaint within 20 days.

Step Two - College President

- 30 Days for hearing and decision.
- If denied/no response, file Request for mediation within 20 days to the MCCC DCE Grievance Coordinator.

Step Three - Mediation

Request for mediation services must be approved by the MCCC. Upon approval, a mediation hearing will be scheduled.

Non-compliance with the grievance procedures will result in the waiving of one's rights.

- Time limits may be extended through mutual agreement; however, oral agreements must be confirmed in writing.
- Grievance contract violations may be added up to the Step Two hearing. Rebuttal evidence may be submitted in mediation and arbitration.
- All reference to "days" is to mean calendar days.

If not resolved, file request for arbitration with MCCC within 10 days of mediation decision.

Non reappointment grievances citing

- *Article 10.03 a (unsatisfactory evaluation)*
- *Article 10.03 b (insufficient courses), or*
- *Article 10.03 c (written reasons)*

follow the same process as regular grievances, except that the final level consists of mediation rather than arbitration. The primary difference is that mediation attempts to bring both sides together rather than to issue a binding award. In certain cases, it may be possible to pursue the matter further with the Massachusetts Labor Relations Commission.

Step Four - Arbitration

If certified, MTA will file demand to arbitrate. The arbitrators decision is binding on the parties. However, the arbitrator has no authority to arbitrate an incident involving affirmative action, discrimination or a grievance which cites article 10.03. An arbitrator cannot award punitive damages, require an appointment or award more than one DCE session salary per violation.

UNEMPLOYMENT COMPENSATION

DCE assignments are tentative in nature. As such, DCE faculty who do not have other employment could be eligible for unemployment compensation between semesters. In general, an unpaid hiatus between teaching terms would not necessarily qualify someone for unemployment benefits if there is reasonable assurance of continued employment. This is the typical basis for the college to contest the approval of such a claim. Also, individuals must be willing and able to accept an assignment, i.e., they have not stated they are unavailable or not interested in a future assignment. Questions? Contact MCCC DCE Grievance Coordinator Joseph Rizzo – information below.

1. A unit member who is not otherwise employed may file for unemployment compensation through the Massachusetts Division of Unemployment Assistance (DUA, <http://www.detma.org>). There are income eligibility requirements, and each claim is examined on a case-by-case basis.

The question of reasonable assurance may arise. It should be pointed out that the collective bargaining agreement provides only that a tentative assignment be given to those on the seniority list. This assignment is enrollment dependent among other factors. An individual who is not on the seniority list has no right to such a tentative assignment.

2. The DUA may arrange for the unit member to meet with a claims adjuster to discuss the points noted above. The unit member should have a copy of the DCE contract and, more important, any notice from the college of a tentative assignment.

3. DUA will notify the employer of the claim in order to verify the information. Some colleges do not contest claims. If contested, the local office may approve or deny the claim or ask the claimant to meet with a DUA representative.

4. If denied, it is essential for the claimant to file a timely appeal. The claimant should contact Joseph Rizzo, MCCC DCE Grievance Coordinator at 603-898-6309 immediately.

5. If an MCCC member, you may request MTA legal assistance. Note: This service is not provided to an agency fee payer. Only a dues paying union member is eligible for legal assistance in these matters as it is external to the collective bargaining agreement and is a benefit of MCCC/MTA membership.

The claimant must notify the MCCC/MTA of hearing dates. An MTA attorney will accompany and represent the union member throughout the appeals process.