#### BOARD OF TRUSTEES OF THE MIDDLESEX COUNTY COLLEGE

### Minutes of December 21, 1971 Meeting

A regular meeting of the Board of Trustees of the Middlesex County College was held at 7:45 p.m., December 21, 1971, in the Board Room on the College campus. Members present were Mrs. Carman, and Messrs. Brady, Clancy, L'Hommedieu, Marchitto and Venezia. Messrs. Feakes, Klegman and Rowland were absent. Also present were President Chambers, Mr. Hoffman, Mrs. Lake and other visitors.

Mr. Marchitto moved, seconded by Mrs. Carman, that the Minutes of the regular meeting of Nevember 16, 1971, be approved as presented. The motion was unanimously carried.

#### EMPLOYEE RELATIONS COMMITTEE

Mr. Venezia reported that a request dated December 2, 1971, was received from the President of Local 1940, AFT, (AFL-CIO), Faculty Union, that the Board review Dr. Chambers' disposition of Grievance #1-71B with respect to the hiring of adjunct personnel. The Employee Relations Committee has upheld the decision of the President in that there was no violation of Article X-A concerning the hiring of adjunct personnel in this instance, and so notified the Union on December 8, 1971.

Mr. Venezia referred to a communication received by Dean Walsh from Mrs. Wilma Thompson, on behalf of the Executive Committee of Local 1940, AFT (AFL-CIO) dated December 21, 1971, requesting that individual employment contracts not be issued to the faculty until the situation concerning retroactivity pay has been resolved by the Federal Government. The matter has been reviewed with Dean Walsh, and Mr. Venezia, as Chairman of the Employee Relations Committee, recommended that the contracts not be issued.

Mr. Venezia requested that the Board Minutes show that the amount listed in faculty contracts is negotiated and permitted by law. The Board wants to pay its contract obligations, feels the employees are entitled to this money, and will do so upon notification by the Federal Government.

Mr. Venezia reported that he has received the Union's demands for the 1972-73 contract. Some of the changes include a salary increase of more than 40%, a 20% reduction in work load and an increase in fringe benefits that would raise the labor cost in the faculty area to more than 70% or \$1,055,000 over present costs. Mr. Venezia would like, if possible, to reduce the time spent on negotiations (Dean Walsh spent 35 working days out of the calendar year on negotiations only).

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Mr. Venezia recommended that Messrs. William R. Walsh, Jr. (Chairman), John N. Callahan, Thomas Regan, and Harold Gladstone, be appointed to a committee to conduct negotiations on behalf of the Board of Trustees with Local 1940, AFT (AFL-CIO) for a new collective bargaining agreement, said committee to report to the President, and through him to the Board.

Under the power vested in him through the By-Laws, Mr. L'Hommedieu appointed:

Dean William R. Walsh, Jr., Chairman Dean John N. Callahan Professor Thomas Regan Dr. Harold Gladstone

to a negotiating committee to act on behalf of the Board of Trustees with Local 1940, AFT (AFL-CIO) for a new collective bargaining agreement, said committee to report to the President, and through him to the Board.

For the record, Dean Walsh reported that faculty have already been paid on the new rate, plus retroactivity for December and the latter part of November.

# FACILITIES AND EQUIPMENT COMMITTEE

The report of the College Engineer for November 1971 was noted.

Mr. Marchitto moved, seconded by Mr. Clancy, that the following construction progress payments, having been approved by the Architect and the College Engineer, be approved for payment:

Rule Construction Company, Inc.

Payment #14 for General Construction on
the College Center Building

\$157,593.60

(Total contract amount \$2,387,547.00; paid previously \$1,279,763.10; payment approved above, \$157,593.60; balance to finish, \$950,190.30.)

James H. DeLaplaine, Inc.
Payment #10 for electrical work on
the College Center Building

\$ 37,350.00

(Total contract amount \$548, 314. 84; paid previously, \$214, 832.70; payment approved above, \$37, 350.00; balance to finish, \$296, 132.14.)

After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mrs. Carman, that a payment in the amount of \$1,615.41 to Eckert & Gatarz, Architects, for architectural services on the extension of Loop Road be approved for payment. After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mr. Venezia, that a composite Change Order to the contract between James H. DeLaplaine, Inc., and the Board of Trustees for electrical work on the College Center in the net amount of \$1,812.00 to be deducted from the contract sum be approved, pursuant to the recommendation of the Architect and the College Engineer. After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mr. Venezia, that a composite Change Order in Contract 1-A between James H. DeLaplaine, Inc., and the Board of Trustees for electrical work on Loop Road extension in the amount of \$8,496.00 additional to the contract sum be authorized, pursuant to the recommendation of the Architect and the College Engineer; said Change Order to provide for a service extension from the College Center building to supply power to roadway and parking lot lights. After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mr. Clancy, that the following purchase contracts be authorized:

- a) To Compton Press, Inc., of Morristown, New Jersey, for printing a Health Brochure at its bid price of \$1,400.00; said amount representing the lowest price which fully met College specifications among five bids received on October 29, 1971;
- b) To American Collegiate Press, Inc., of Dallas, Texas, for furnishing a Rehabilitation Brochure at its bid price of \$419.00; said amount representing the lowest price which fully met College specifications among eight bids received on November 29, 1971;
- c) To Madison Township Lumber and Supply Company of Cheesequake,
  New Jersey, for furnishing lumber and materials for the
  Maintenance Department at its bid price of \$1,964.56; said
  amount representing the lowest price which fully met College
  specifications among thirteen bids received on November 11, 1971.

After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mrs. Carman, that the Middlesex County Board of Freeholders be requested to enter into a three-year extension of an existing lease for a portion of building #216, said three-year extension to run for the period January 4, 1972, through January 4, 1975; and that the Chairman and Secretary of the Board of Trustees be authorized to execute said lease extension when and if it is approved by the Board of Freeholders. After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mr. Venezia, that the following bills for architectural services, having been approved by the College Engineer, be approved for payment to Eckert & Gatarz, Architects:

1) For the new College Center

\$15,099.90

2) For the Learning Resources Center

\$20,000.00

Explanatory Note: Both above payments are in accord with the respective architectural contracts. Following these payments, payments on the College Center will total 90% of the total fee; and payments on the Learning Resources Center will total 50% of the estimated fee.

After discussion, the motion was unanimously carried.

Mr. Marchitto moved, seconded by Mr. Venezia, that a Change Order in the amount of \$1,035.00 additional to the contract sum be authorized for the contract between the Board of Trustees and James H. DeLaplaine, Inc., for electrical work on the College Center; said amount to cover the installation of the main electrical service extension at a greater depth than indicated on the contract drawings. After discussion, the motion was unanimously carried.

With respect to the parking lot situation, Dean Walsh reported that clearing is all done and final grading is expected within a couple of days. Stone will be trucked in shortly. The Williams Road extension has been paved and this exit is now working well.

Dean Walsh, accompanied by Messrs. Kleban and Gatarz, is planning to take the plans of the Learning Resource Center to Federal officials in New York on December 22 in the hope for a prompt approval. All certificates have been filed and the deadline of January 1 for funding has been met. The problem is to get Federal approval—financing is assured.

With respect to the Academic Services Building, the concept letter has been approved by the State Board of Higher Education on December 17, 1971. The college is now in a position to proceed with architectural drawings. At that point, it will be necessary to appeal again to the State Board with assurance that County funds will be approved.

## FINANCE COMMTTEE

Mr. Venezia moved, seconded by Mr. Clancy, that a payment in the amount of \$2,000.00 to Lloyd Cestare of the firm Lipman, Cestare, & Harris, for work done on the 1971-72 annual audit, be authorized. After discussion, the motion was unanimously carried.

Dean Walsh reviewed the Cash Summary Report for the Month Ended November 30, 1971; Statement of Current Operating Income for the Five-Month Period Ended November 30, 1971; and Summary of Financial Report for the Five-Month Period Ended November 30, 1971. (Copies filed with Papers Supporting the Minutes.)

Dean Walsh reported on MCC's suit against the Treasury Department. On October 13 the hearing examiner ruled that certain employees of MCC who had been enrolled in the Teachers' Pension and Annuity Fund were, in fact, ineligible for membership in said fund, and that they would, therefore, have to be transferred to a different pension fund. This ruling was made more than two years after the college had filed its original action (and after the college had been up to the Appellate Division of the Superior Court and had been remanded back to the administrative agency). In the intervening period, new legislation involving the alternate benefit program was adopted, which rendered the question of whether or not MCC people are eligible for TPAF moot.

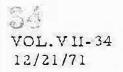
Dean Walsh had recommended to the Board in late October that the College not appeal the decision of the hearing examiner, unless the TPAF tried to recover from the college the amount of money due for employer contributions during the period when MCC people were "improperly" enrolled in that fund. The hearing officer raised the question of reimbursement on Page 17 of his report, but did not recommend reimbursement be sought. The TPAF Board, in a letter to Stanley L. Benn of Wilentz, Goldman, & Spitzer, dated December 1, 1971, ruled that it lacks jurisdiction to collect these back payments. Accordingly, Dean Walsh now recommended, on an unqualified basis, that the college not appeal from the decision of the hearing examiner, since there is no danger of the college suffering any financial loss from said decision. Mr. John Hoffman concurred in this recommendation.

Mr. Clancy moved, seconded by Mr. Marchitto, that in accordance with the above report of Dean Walsh, the college not appeal from the decision of the hearing examiner. After discussion, the motion was unanimously carried.

With respect to minor capital, the State Board of Higher Education recommended \$800,000 for all community colleges for new equipment. MCC's equipment was approved, however, approximately \$28,000 for renovations and minor construction or repairs was not approved. Total state funds approved by the Board of Higher Education was \$147,680 for MCC.

# PERSONNEL COMMITTEE

Mrs. Carman moved, seconded by Dr. Brady, that the eleven 12-month counsclors and librarians listed on Schedule "A" attached, (beginning with Hertrich, Fred and ending with Posselt, Jane), and the one hundred and twenty-eight 10-month teachers listed on Schedule "B" attached, (beginning with Anderson, Hortense and ending with Thompson, Wilma), be reappointed



for 1971-72 at the respective annual salaries shown in Column 8 of said schedules; said salaries being in conformity with the collective bargaining agreement executed between the Board of Trustees and Local 1940, AFT (AFL-CIO) as modified by the Presidential executive order of August 15, 1971.

Mrs. Wilma Thompson, speaking for the Faculty Union, objected to the motion stating that she felt the motion was in violation of the contract between the Board of Trustees and the Union, since the contract calls for a negotiated figure. Mr. Grossman also said that he thinks this motion should be in terms of the collective bargaining agreement. Mr. Venezia said that the motion was necessary to pay salaries and includes what has to be said. Mr. L'Hommedieu said that there was nothing in this action or previous action that indicated the Board would accept any move which would allow the Board to escape the precise contract it has signed. This Board has no intention whatsoever of trying to avoid, or escape, or ignore contract responsibilities. We signed a contract in good faith and it will be executed in good faith. Thommedieu.

After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Mr. Clancy, that the eleven 12-month members of Local 1940, AFT, (AFL-CIO) be paid the pro-rated share of the salary increase provided for them in the current collective bargaining agreement which accrued from July 1, 1971 to August 15, 1971, subject to Counsel's approval.

(Explanation of this is contained in memorandum from Dean of Administration William R. Walsh, Jr., to President Frank M. Chambers, dated December 6, 1971 -- Copy attached).

After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Dr. Brady, that Mr. Dwight Spence of North Hills, Pennsylvania, be appointed as a Counselor with the rank of Instructor, in the Division of Student Personnel Services for the period December 1, 1971 through June 30, 1972, at a salary of \$958.33 per month. After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Mr. Venezia, that Mr. Raymond Fowler, adjunct instructor in Music, be paid \$1,500.00 for services performed as Choral Director during the Fall 1971 Semester. After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Dr. Brady, that the following resignations be accepted:

a) Mr. Raymond J. Passalacqua, Police Officer, effective December 11, 1971;

b) Miss Mary Beth Nevins, part-time Librarian, effective January 29, 1972.

After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Mr. Clancy, that the following personnel appointment be authorized:

a) Mr. Dale W. Sparks, as a probationary Police Officer at \$557.00 per month, effective December 20, 1971.

After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Mr. Venezia, that Mr. John J. Fleming, who completed his probationary period, including appropriate training, on December 15, 1971, be promoted from probationary Police Officer to Police Officer, effective that date, and that his salary be adjusted from \$557. per month to \$612. per month, also effective December 15, 1971. After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Dr. Brady, that Miss Diana M. Goffe be appointed acting Registrar for the period December 1, 1971 to the date that a permanent Registrar takes office; and that her salary be increased from \$960.00 per month to \$1,210.00 per month for that period. After discussion, the motion was unanimously carried.

Mrs. Carman moved, seconded by Mr. Marchitto, that the termination of the employment of Mrs. Charlotte Cannon, effective December 3, 1971, as Clerk-Typist in the office of Counseling Services, be made a matter of record. After discussion, the motion was unanimously carried.

#### EDUCATION COMMITTEE

Dr. Brady said that he plans to have a formal meeting of the Education Committee in the near future.

Dr. Brady reported on a bridging program in which the Electrical Technology Department of Middlesex County College and the Technology Division of Newark College of Engineering are cooperating. Presently, 40 students are engaged in the program and at the end of this semester, they will have completed eight credits toward a 19 credit certificate program and should finish by the end of next summer. Newark College of Engineering will accept into their Bachelor program all who satisfactorily complete the program.

Dr. Brady reviewed the December Report to the Education Committee prepared by Dean Callahan. (Copy attached.)

Dean Foose reviewed the summary of Financial Aid for the Fall of 1971. This report includes the number of students aided and the sources of financial aid.

Mr. L'Hommedieu reported that discussion at a professional meeting last week indicated that the performance of Middlesex County College nurses at a particular hospital is outstanding. This hospital has 20 MCC nurses. At another meeting, one of the leading radiologists in the area made a point of the great value of the radiology program at MCC because of the sophistication of its equipment, and expressed intense interest in cooperating with the program. The radiologist said that the old method of training radiologists would not qualify an X-Ray technician to do the job today.

### COMMUNITY AFFAIRS COMMITTEE

Mr. Clancy reported that the annual meeting of the Middlesex County College Foundation was held on November 17. Mr. G. Nicholas Venezia was reelected President. Contributions to the Middlesex County College Foundation since the November Board meeting total \$1,941.65; also, a model of a hydrometallurgical processing plant, to be used for instructional purposes, valued at between \$8,000 and \$10,000 was obtained from the Blau-Knox Chemical Company, Inc. A report of the Scholarship Ball Committee indicates that the Third Annual Scholarship Ball, held on October 2, 1971, raised \$6,557.

Members of the State and County Legislature attended a special meeting on campus, December 15. The legislators were taken on a tour of the facilities and updated on the college's progress. A discussion ensued concerning the college and the need for the State to bear its full share of the financial burden of running New Jersey's two-year county colleges (hopefully, 50% of the funding rather than the State's present allocation of \$600 per pupil, or 42% of the total cost). Members of the press were invited to attend a portion of the meeting.

Mr. Clancy has discussed with local school superintendents the possibility of providing names and addresses of high school seniors to the college so that information with respect to the college and its programs might be sent to the high school students. The superintendents were very much in favor of the program and the information has been submitted to Mr. Ciotta.

#### BY-LAWS COMMITTEE

In accordance with the By-Laws, the second reading of the amendment to the By-Laws, sponsored by Mr. Klegman at the meeting of the Board of Trustees on November 16, 1971, was made by Mrs. Carman as follows:

"EMPLOYEE RELATIONS COMMITTEE. The Committee shall

(1) provide liaison, through the President, with employees of the

College with respect to salaries, working conditions, and grievance

procedures; (2) review and recommend agreements entered into

with employees that govern salaries, working conditions, and

grievance procedures; (3) receive complaints or grievances from

employees with respect to salaries, working conditions, and grievance

procedures, and recommend disposition of such cases to the Board

after exhaustion of administrative remedies; (4) recommend or

present to the Board matters relating to salaries, working conditions,

and grievance procedures of employees which the Committee deems

appropriate for consideration by the Board of Trustees, (5) and

handle all other labor relations matters which the Board shall designate."

Mrs. Carman moved, seconded by Dr. Brady, the adoption of the fore-going amendment to the By-Laws. After discussion, the motion was unanimously carried.

President Chambers referred to a survey on part-time students, part of which deals with financial need of part-time students. Suggestions about the needs of part-time students will be made to the Middlesex County College Foundation, Inc. At the present time, assistance is limited to full-time students.

Dr. Chambers reported that President Nixon's administration has indicated a great deal of interest in the delivery of health services in the United States. The Federal Government has set up six task force conferences throughout the country on the delivery of health services. One conference will be held at Pittsburgh, Pennsylvania on January 10. At that time Dr. Chambers will represent community college educational programs that provide allied health workers.

The Federal Government has several bills before Congress. For several weeks Dr. Chambers has been urging Federal Legislators to support S-659 as the legislation which will serve community colleges and the public. This bill could pass with some added support which the college presidents are trying to arouse. This legislation could provide very substantial assistance to community colleges next year.

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Mrs. Wilma Thompson, speaking for Local 1940, AFT (AFL-CIO) objected to a memorandum issued by Professor Irving Elan, Division Director of Humanities and Fine Art, concerning student evaluation of faculty, claiming it would be a breach of the contract between the Faculty Union and the Board of Trustees. Miss Thompson suggested that the Board issue instructions that this evaluation plan not be implemented until after a meeting with the Union. The matter was referred to administration.

The next regular meeting of the Board of Trustees will be held on January 18, 1972, at 7:45 p.m., in the Board Room, Center I, on the College campus.

There being no further business, the meeting was adjourned at 9:25 p.m.

ALICE LAKE

Secretary Pro Tem

- TECHTED

# MIDDLESEX COUNTY COLLEGE Edison, New Jersey 08817

1971

FEAN OF ADMINISTRATION

December 6, 1971

TO:

Dr. Frank M. Chambers

FROM: .

SUBJECT:

"Fre-Freeze" Retroactive Salary Payments to Twelve-

Month Union Employees

As you know, the Board ratified on September 29 of this year our current collective bargaining agreement. By its own terms, (Article XI) said agreement is effective as of July 1, 1971, and continues in effect until June 30, 1972.

We now know that the 'wage freeze' which was in effect from August 15 through November 13 superseded our agreement, and that the retroactivity provision of the agreement may therefore not be implemented for the period of the freeze.

However, we had eleven members of the bargaining unit employed continuously since July 1. They understand that during the period July 1 to August 15 they did not accrue pay at new rates because our agreement authorizing such accrual had not been executed, as of August 15; they also understand that, having not accrued at new rates prior to August 15, they cannot be paid the new rates for the freeze period; but they have now raised the question as to whether or not our action of September 29, authorizing new rates retroactive to July 1, entitles them to the new rates for the period from July 1 to August 15, when no freeze was in effect.

Frankly, I think it does; and if you and our legal counsel agree, I'd like to be authorized to make payments accordingly on the January payroll.

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WRW/mf

cc: Dean John Callahan

All Members of the Board of Trustees

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