

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
December 12, 2011**

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**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 7
December 12, 2011

PERSONNEL ACTIONS CONFIRMATION REPORT

BACKGROUND

The Board of Trustees by state law has the authority and the responsibility for appointments to the College. Each month the Board receives a summary of personnel actions from the Office of Human Resources on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACK-UP INFORMATION

Board Resolution
Personnel Actions Confirmation Report

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON(S)

Ms. Espinosa

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-153**
Adopted on: **12/12/2011**

Agenda Item Number: 7
December 12, 2011

Subject: Personnel Actions Confirmation

WHEREAS, by state law the Board of Trustees has the authority and responsibility for appointments to the College; and

WHEREAS, the attached summary indicates related personnel actions taken by the College during the period from and including November 1, 2011, to and including November 30, 2011; and

WHEREAS, the President of the College recommends that the Board adopt the following resolution; now therefore be it

Resolved, that the Board of Trustees accepts the attached report and confirms the action of the President.

Attachment

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From and Including November 1, 2011, to and Including November 30, 2011

STAFF

STAFF EMPLOYMENTS

Effective Date	Name	Position Title	Grade	Location
11/07/2011	Ammann, Brian D	Safety & Security Officer	E	Facilities Security RV
11/07/2011	Anderson, Jackeline	Building Service Worker	A	Facilities Maintenance RV
11/21/2011	Chandler, Benjamin T	Building Service Worker	A	Facilities Maintenance RV
11/21/2011	Dyson, Sharon L	Sr Human Resources Specialist	K	Human Resources Office
11/21/2011	Fatal, Margarette	Building Service Worker	A	Facilities Maintenance RV
11/07/2011	Fernando, Dinesh A	Customer Service Rep	F	WD & CE
11/21/2011	Johnson, Edith M	Administrative Aide I	F	Provost Office RV
11/07/2011	Latham, Gabriel W	Safety & Security Officer	E	Facilities Security RV
11/07/2011	Neill, Timothy J	IT Security Analyst	L	Office of Info Tech

STAFF SEPARATIONS

11/09/2011	N'Gambwa, Kitenge	Learning Center Supervisor	K	Writing Center RV
11/12/2011	Phan, Lieuthu D	Analyst/Programmer	K	Office of Info Tech
11/21/2011	Rubini, Nicholas R	Swimming Pool Operator	F	Facilities Swimming Pool TP/SS
11/30/2011	Sheeran, Thomas E	Chief Business Officer	Q	Finance Office
11/11/2011	Ward, Veronica R	Office Associate	E	Humanities/Soc Sci/Educ GT
11/09/2011	Whetzel, Ronald A	Grounds Maintenance Worker	C	Facilities Operations RV

STAFF EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	0	3	1	0	0	4
Male	3	1	0	1	0	5
TOTAL	3	4	1	1	0	9

STAFF SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	1	0	0	1	0	2
Male	3	1	0	0	0	4
TOTAL	4	1	0	1	0	6

FACULTY

FACULTY EMPLOYMENTS: none

FACULTY SEPARATIONS: none

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**

Rockville, Maryland

Agenda Item Number: 8
December 12, 2011

**APPROVAL OF CHANGE ORDER,
ADDITIONAL DUCTWORK AND EGRESS CORRIDOR
MORRIS AND GWENDOLYN CAFRITZ FOUNDATION ARTS CENTER
WD&CE RENOVATION**

BACKGROUND

On February 28, 2011, the Board of Trustees awarded Dustin Construction a \$2,074,000 contract to renovate former shell space in the Morris and Gwendolyn Cafritz Foundation Arts Center for the consolidation of Workforce Development & Continuing Education (WD&CE) programs at the Takoma Park/Silver Spring Campus.

During construction, it was determined that the contract documents included conflicting information regarding the scope of double-walled ductwork. Clarifications provided by the College, necessary to maintain compliance with collegewide design standards, result in an increased scope compared against the basis included in the contractor's bid price.

Additionally, certain classrooms include folding partitions to enable joining classrooms together to form larger rooms. When joined, the resulting room occupancy rates impose assembly egress code requirements that were not provided for in the original contract documents. Modifications to include an additional egress corridor are required in order to maintain compliance with life safety codes.

The change order consists of the provision for increased double-walled ductwork and for revisions necessary to incorporate an additional egress corridor. The contractor's price for the work, \$105,000, was reviewed and negotiated by College staff and consultants, and is acceptable for the scope of work involved. Board of Trustees approval is required for all construction change orders over \$25,000. Sufficient funds are available in the FY12 capital budget for this additional work.

RECOMMENDATION

It is recommended that a change order be approved for Contract #527 with Dustin Construction, Frederick, Maryland, in the amount of \$105,000, for the installation of additional double-walled ductwork and egress corridor in the Morris and Gwendolyn Cafritz Foundation Arts Center for the renovation to support WD&CE programs at the Takoma Park/Silver Spring Campus.

BACK-UP INFORMATION

Board Resolution

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSONS

Mr. Capp Dr. Wormack

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-154**
Adopted on: **12/12/2011**

Agenda Item Number: 8
December 12, 2011

**Subject: Approval of Change Order for Additional Ductwork and Egress Corridor for the
Morris and Gwendolyn Cafritz Foundation Arts Center WD&CE Renovation**

WHEREAS, on February 28, 2011, by Board Resolution #11-02-008, the Board of Trustees awarded a contract for \$2,074,000 to Dustin Construction for a renovation for Workforce Development & Continuing Education in the Morris and Gwendolyn Cafritz Foundation Arts Center at the Takoma Park/Silver Spring Campus; and

WHEREAS, at the College's request, Dustin Construction submitted a change order proposal for the installation of additional double-walled ductwork and egress corridor construction for the project; and

WHEREAS, College staff and consultants reviewed the submitted change order proposal and have undertaken negotiations with Dustin Construction with regard to the fees for the work; and

WHEREAS, the associate vice president for college facilities recommends approval of a change order totaling \$105,000 for the requested work; and

WHEREAS, the interim chief business officer certifies that sufficient funds are available in the FY12 capital budget for this change order; and

WHEREAS, College policy on the capital budget requires approval by the Board of Trustees of all change requests that will increase the cost of a construction project by 15% or more, or \$25,000, whichever is less; and

WHEREAS, the president of the College recommends the following action; now therefore be it

Resolved, That a change order for \$105,000 is approved for the construction contract with Dustin Construction, Frederick, Maryland , Contract #527, for the renovation for Workforce Development & Continuing Education in the Morris and Gwendolyn Cafritz Foundation Arts Center on the Takoma Park/Silver Spring Campus; and be it further

Resolved, That the president is authorized to sign this change order with Dustin Construction on behalf of the Board of Trustees.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 9
December 12, 2011

**PROPOSAL FOR NAMING
THE GEORGE AND RUTH G. TRETTER DANCE STUDIO
IN THE CULTURAL ARTS CENTER ON THE TAKOMA PARK/SILVER SPRING CAMPUS**

BACKGROUND

In preparation for its first capital campaign to construct a building with private support, the Board of Trustees approved a policy allowing College facilities to be named for individuals and organizations whose contributions to the College have been of an outstanding nature.

George and Ruth Tretter are long-time donors to the Montgomery College Foundation. The Tretters established the George and Ruth G. Tretter Endowed Scholarship. Proceeds support need-based scholarships for students majoring in performing, graphic or visual arts at the Takoma Park/Silver Spring Campus.

The Tretters recently committed an additional \$100,000 gift to the Montgomery College Foundation. Their cumulative giving now exceeds over \$150,000.

Because their generosity has had an immeasurable impact on the College, its students, the faculty, and the College's image in the community, it is proposed that the Tretters' support be recognized by naming the dance studio of the Cultural Arts Center on the Takoma Park/Silver Spring Campus in their honor. The Tretters' gift amount is commensurate with a past donation to name the dance studio on the Rockville Campus.

RECOMMENDATION

It is recommended that the Montgomery College Board of Trustees approve the proposed resolution to name the dance studio of the Cultural Arts Center in the Takoma Park/Silver Spring Campus as The George and Ruth G. Tretter Dance Studio.

BACK-UP INFORMATION

Board Resolution
Board Policy #74001

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Cain

RESOURCE PERSONS

Mr. Sears
Ms. Gordon
Dr. Stewart

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-155**
Adopted on: **12/12/2011**

Agenda Item Number: 9
December 12, 2011

**Subject: Proposal for Naming The George and Ruth G. Tretter Dance Studio
in the Cultural Arts Center on the Takoma Park/Silver Spring Campus**

WHEREAS, George and Ruth Tretter have committed to donate \$100,000 to the Montgomery College Foundation for performing arts, visual arts, and graphic arts scholarships this year; and

WHEREAS, the Tretters' generosity has totaled over \$150,000 and continues to have an immeasurable impact on the College, its students, the faculty, and its image in the Montgomery County and Washington, D.C., communities; and

WHEREAS, the vice president and provost of the Takoma Park/Silver Spring Campus recommends naming the dance studio in the Cultural Arts Center as The George and Ruth G. Tretter Dance Studio; and

WHEREAS, the vice president and provost of the Takoma Park/Silver Spring Campus, the vice president for advancement, and the Foundation Executive Committee, and the president have carefully considered the implications of this request and support this recommendation; now therefore be it

Resolved, That the Board of Trustees approves the naming of the dance studio in the Cultural Arts Center as The George and Ruth G. Tretter Dance Studio in recognition of George and Ruth Tretter's generous philanthropic support to significantly enrich performing arts, graphic arts and visual arts students' educational opportunities and experiences at Montgomery College.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 10
December 12, 2011

**RATIFICATION OF THE MONTGOMERY COLLEGE
LIFE SCIENCES PARK FOUNDATION, INC.**

BACKGROUND

At its September 19, 2011, meeting, the Board of Trustees authorized the president to take steps necessary to create a new 501 (c) (3) foundation for the purposes of operating and managing the Life Sciences Park at the Germantown Campus. The mission of this entity is to support the educational mission of the College through revenues, internships, and programs generated by partnerships and relationships with park tenants. The new entity will also manage the leases in the Life Sciences Park and coordinate actions associated with meeting College obligations in those leases as well as development of new leases for the Life Sciences Park.

At this time, actions have been completed to establish the Montgomery College Life Sciences Park Foundation, Inc. Key documents have been prepared with the assistance of counsel, including the Articles of Incorporation, foundation Bylaws, and an Operating Agreement, which addresses general matters such as staffing, work products, as well as the relationship with the existing Montgomery College Foundation, Inc.

The foundation is presented for the Board's ratification.

RECOMMENDATION

It is recommended that the Board ratify and confirm the establishment of the Montgomery College Life Sciences Park Foundation, Inc. and authorize the president to execute the Operating Agreement with the Montgomery College Life Sciences Park Foundation, Inc.

BACK-UP INFORMATION

Resolution
Articles of Incorporation (Board Members Only)
Bylaws (Board Members Only)
Operating Agreement (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Dr. Cain

RESOURCE PERSONS

Ms. Jones
Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-156**
Adopted on: **12/12/2011**

Agenda Item Number: 10
December 12, 2011

Subject: Ratification of the Montgomery College Life Sciences Park Foundation, Inc.

WHEREAS, on September 19, 2011, the Board of Trustees authorized the president in resolution 11-09-122 to take the necessary steps to establish the Montgomery College Life Sciences Park Foundation, Inc., with related policy issues to be presented to the Board; and

WHEREAS, application to the Internal Revenue Service for tax exempt status must be accompanied by the Articles of Incorporation and Bylaws of the Foundation; and

WHEREAS, an operating agreement between the College and the Montgomery College Life Sciences Foundation, Inc., is necessary and appropriate for the College to direct funds to the Montgomery College Life Sciences Foundation, Inc., from leasehold payments by tenants of the Life Sciences Park at the Germantown Campus, and to assure that these funds are properly conserved, spent, and subject to proper accounting, consistent with fiduciary duties owed such funds; and

WHEREAS, the president of the College recommends the following; now therefore be it

Resolved, That the Board of Trustees ratifies the attached Articles of Incorporation and Bylaws for the Montgomery College Life Sciences Park Foundation, Inc., with the proviso that the president be authorized to make any changes in the Articles of Incorporation and/or Bylaws that may subsequently be required by the Internal Revenue Service; and be it further

Resolved, That the president is authorized to execute the operating agreement between the College and the Montgomery College Life Sciences Foundation, Inc., in substantially the same form as attached as an exhibit to this resolution, and is further authorized to add or modify activities of the Foundation by mutual written agreement, as provided in the operating agreement; and be it further

Resolved, That the president advise the Board of Trustees if any changes in the Articles of Incorporation and/or Bylaws are subsequently required, or if any changes are made to the activities of the Montgomery College Life Sciences Foundation, Inc., through a subsequent mutual written agreement.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**

Rockville, Maryland

Agenda Item Number: 11A
December 12, 2011

**ACCEPTANCE OF THE MONTGOMERY COLLEGE
AUDITED FINANCIAL STATEMENTS FOR JUNE 30, 2011, AND 2010**

BACKGROUND

Montgomery College is required to conduct an annual audit of the College's financial statements.

The audit of financial statements for June 30, 2011 and 2010 was conducted by Clifton Gunderson, LLP, Certified Public Accountants and Consultants, and certified by the senior vice president for administrative and fiscal services and by the president.

The annual audit report was presented to the board audit committee and to the Board of Trustees for review and comment.

RECOMMENDATION

It is recommended that the Board of Trustees accept the audited financial statements for June 30, 2011 and 2010.

BACK-UP INFORMATION

Board Resolution
Audited Financial Statements for June 30, 2011 and 2010 (Trustees only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSONS

Dr. Wormack
Ms. Sherman

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-157**
Adopted on: **12/12/2011**

Agenda Item Number: 11A
December 12, 2011

**Subject: Acceptance of the Montgomery College Audited Financial Statements for
June 30, 2011, and 2010**

WHEREAS, Montgomery College is required to conduct an annual audit of the College's financial statements; and

WHEREAS, the audit of financial statements for June 30, 2011, and 2010 was conducted by Clifton Gunderson, LLP, Certified Public Accountants and Consultants, and certified by the senior vice president for administrative and fiscal services and by the president; and

WHEREAS, the audit was conducted in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and

WHEREAS, the annual audit report was presented to the board audit committee and to the Board of Trustees for review and comment; and

WHEREAS, the board audit committee and the Board of Trustees were informed that the College's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses; and

WHEREAS, the president of the College recommends that the Board of Trustees accept the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the audited financial statements for June 30, 2011, and 2010.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland**

Agenda Item Number: 12
December 12, 2011

**AUTHORIZATION OF ONE-TIME RECOGNITION PAYMENT FOR
NON-BARGAINING ADMINISTRATIVE, ASSOCIATE, AND SUPPORT STAFF**

BACKGROUND

Each year, typically during the spring, the Board acts on salary for administrative, associate, and support staff. Salaries for bargaining unit staff are negotiated with the American Federation of State, County, and Municipal Employees (AFSCME) representative. To provide parity in accordance with the recently negotiated tentative bargaining unit agreements, Board action is necessary at this time for non-bargaining administrative, associate, and support staff.

This action will include authorization of one-time recognition payments for non-bargaining administrative, associate, and support staff. With the understanding that there shall be no salary or merit adjustments in FY12 and FY13, this action authorizes eligible non-bargaining administrative, associate, and support staff an exceptional one-time recognition payment equal to one-half percent (0.5%) of base salary to be paid no later than December 30, 2011. There shall be no adjustment to base salary. Additionally, there shall be a one-time recognition payment equal to one and one-half (1.5%) percent of base salary paid to each eligible non-bargaining administrative, associate, and support staff member no later than June 30, 2012. In this case, there shall also be no adjustment to base salary.

RECOMMENDATION

It is recommended that the Board adopt this resolution.

BACK-UP INFORMATION

Board Resolution

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON(S)

Ms. Espinosa

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-158**
Adopted on: **12/12/2011**

Agenda Item Number: 12
December 12, 2011

Subject: Authorization of One-Time Recognition Payment for Non-Bargaining Administrative, Associate, and Support Staff

WHEREAS, There shall be no salary or merit adjustments in FY12 or FY13 with the exception of a one-time recognition payment equal to one-half percent (0.5%) of base salary, and a one-time recognition payment equal to one and one-half (1.5%) percent of base salary paid to each eligible non-bargaining administrative, associate, and support staff member; and

WHEREAS, There shall be no adjustment to base salary for eligible non-bargaining administrative, associate, and support staff members as a result of the one-time recognition payment equal to one half percent (0.5%) of base salary, or as a result of the one-time recognition payment equal to one and one-half (1.5%) percent of base salary; and

WHEREAS, the president recommends adoption of the following resolution; now therefore be it

Resolved, That eligible non-bargaining administrative, associate, and support staff are authorized to receive a one-time recognition payment equal to one-half percent (0.5%) of base salary to be paid no later than December 30, 2011. There shall be no adjustment to base salary; and be it further

Resolved, That there shall be a one-time recognition payment equal to one and one-half (1.5%) percent of base salary paid to each eligible non-bargaining administrative, associate, and support staff member no later than June 30, 2012. There shall be no adjustment to base salary; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement this resolution and to further delegate responsibility for the implementation and administration of the agreement to appropriate College staff.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 13A
December 12, 2011

**APPROVAL OF MEMORANDUM OF AGREEMENT –
COLLECTIVE BARGAINING AGREEMENT WITH
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS (AAUP),
MONTGOMERY COLLEGE CHAPTER**

BACKGROUND

Representatives of the Board of Trustees and the American Association of University Professors (AAUP), Montgomery College Chapter, reached an agreement through reopener negotiations, which resulted in amendments to the full-time faculty collective bargaining agreement. The amendments to the agreement include an understanding that there shall be no salary or merit adjustments in FY12 and FY13 with the exception of a one-time payment equal to one half percent (0.5%) of base salary paid to each bargaining unit member in FY12, no later than December 30, 2011. The parties agreed that there shall be no adjustment to base salary. Additionally, there shall be a one-time payment equal to one and one-half percent (1.5%) of base salary paid to each bargaining unit member no later than June 30, 2012. Again, there shall be no adjustment to base salary. Effective fiscal academic year 2014, the parties agreed to a two percent (2%) general wage adjustment.

Further, the parties clarified language in Article 6, Section 6.7, Extended Leave Without Pay; included language in Article 7, Section 7.9, concerning the newly established collaboration committee; and clarified language in Article 9, Section 9.4, Educational Assistance Program. Additionally, the overall pool of funds available for educational assistance and professional development will increase by \$25,000 in FY13. Amendments to the agreement also include a reopener concerning Article 6, Wages, should the financial situation or other specified conditions occur during FY12 or FY13 and a reopener in FY14.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the resolution approving the collective bargaining agreement authorizing the Board chair to execute the memorandum of settlement and delegating to the president the authority and responsibility to implement and administer the agreement.

BACK-UP INFORMATION

Board Resolution
Tentative Agreement November 18, 2011 (Board members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON(S)

Ms. Espinosa

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-159**
Adopted on: **12/12/2011**

Agenda Item Number: 13A
December 12, 2011

**Subject: Approval of Memorandum of Agreement - Collective Bargaining Agreement
with American Association of University Professors (AAUP),
Montgomery College Chapter**

WHEREAS, the American Association of University Professors (AAUP), Montgomery College Chapter, is the exclusive representative authorized to negotiate on behalf of full-time faculty members at Montgomery College; and

WHEREAS, a tentative agreement with amendments to the collective bargaining agreement has been negotiated by teams representing the Board of Trustees and AAUP; and

WHEREAS, on December 8, 2011, the members of AAUP ratified the tentative agreement; and

WHEREAS, the Board negotiating team recommends approval of the tentative agreement by the Board; and

WHEREAS, the president recommends that the Board take the following action; now therefore be it

Resolved, That the Board of Trustees approves the amendments to the collective bargaining agreement set forth in the attached tentative agreement; and be it further

Resolved, That the Board of Trustees authorizes the board chair to execute the tentative agreement between the Board of Trustees of Montgomery College and American Association of University Professors, Montgomery College Chapter; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement and to further delegate responsibility for the implementation and administration of the agreement to appropriate College staff.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 13B
December 12, 2011

**APPROVAL OF MEMORANDUM OF AGREEMENT –
COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, COUNCIL 67, LOCAL 2380**

BACKGROUND

Representatives of the Board of Trustees and the American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Council 67, Local 2380 reached an agreement through reopener negotiations, which resulted in amendments to the staff collective bargaining agreement. The amendments to the agreement include an understanding that there shall be no salary or merit adjustments in FY12 and FY13 with the exception of a one-time payment equal to one-half percent (0.5%) of base salary paid to each bargaining unit member in fiscal year 2012, no later than January 15, 2012. The parties agreed that there shall be no adjustment to base salary. Additionally, there shall be a one-time payment equal to one and one-half percent (1.5%) of base salary paid to each bargaining unit member no later than June 30, 2012. Again, there shall be no adjustment to base salary. Further, the parties understand and agree that AFSCME shall be consulted and have input in re-design of the salary schedule per the classification and compensation study that will be completed in FY12. Amendments to the agreement also include a reopener concerning Article 6, Wages, should the financial situation or other specified conditions occur during FY12 or FY13.

The agreement allows for a new section under Article 6, Wages, in which the parties agree that in the event Montgomery College provides stipends to those employees serving in leadership positions within the governance structure established by Montgomery College, any bargaining unit member serving in such position will be eligible to receive the stipend.

The parties also agreed to add language to Article 11, Insurance and Other Benefits, allowing the bargaining unit eligibility for all benefits provided under Section 11.3, Educational Assistance program, to be utilized in accordance with 35001CP of the College's Policies and Procedures. Further, bargaining unit members shall be eligible for the Longevity Award as outlined for non-bargaining staff pursuant to 35001CP. Finally, the parties agreed to a reopener with regard to revision of Article 13, Scope of Agreement. The membership of the bargaining unit ratified the agreement on November 17, 2011.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the attached resolution approving the collective bargaining agreement authorizing the Board chair to execute the memorandum of settlement and delegating to the president the authority and responsibility to implement and administer the agreement.

BACK-UP INFORMATION

Board Resolution
Tentative Agreement, November 4, 2011 (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON(S)

Ms. Espinosa

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-160**
Adopted on: **12/12/2011**

Agenda Item Number: 13B
December 12, 2011

Subject: Approval of Memorandum of Agreement – Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Council 67, Local 2380

WHEREAS, the American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Council 67, Local 2380 is the exclusive representative authorized to negotiate on behalf of certain staff members at Montgomery College; and

WHEREAS, a tentative agreement with amendments to the collective bargaining agreement has been negotiated by teams representing the Board of Trustees and the AFSCME Local 2380; and

WHEREAS, on November 17, 2011, the members of the AFSCME Local 2380 ratified the tentative agreement; and

WHEREAS, the Board negotiating team recommends approval of the tentative agreement by the Board; and

WHEREAS, the president recommends that the Board take the following action; now therefore be it

Resolved, That the Board of Trustees approves the amendments to the collective bargaining agreement set forth in the attached tentative agreement; and be it further

Resolved, That the Board of Trustees authorizes the Board chair to execute the tentative agreement between the Board of Trustees of Montgomery College and the American Federation of State, County, and Municipal Employees, AFL-CIO, , Council 67, Local 2380; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement and to further delegate responsibility for the implementation and administration of the agreement to appropriate College staff.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**

Rockville, Maryland

Agenda Item Number: 13C
December 12, 2011

**APPROVAL OF MEMORANDUM OF AGREEMENT –
COLLECTIVE BARGAINING AGREEMENT WITH
SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 500, CTW**

BACKGROUND

Representatives of the Board of Trustees and the Service Employees International Union (SEIU), Local 500, CtW, have reached a successor agreement to the part-time faculty collective bargaining agreement. The amendments to the agreement include the establishment of a pay schedule that allows each bargaining unit member to receive a one-time payment equal to two percent (2%) of the contracted equivalent semester hours amount paid for bargaining unit work performed during the fall semester of 2011 and the spring semester of 2012 (academic year), no later than March 15, 2012.

The parties also agreed that there shall be no adjustment to the pay schedule in FY13. Notwithstanding any other provision of the agreement, in the event the financial situation changes and the actual revenues received by the College for FY13 require or permit additional adjustments to employee wages; or in the event of any cost of living, step, merit increases; or if bonuses are negotiated and implemented in excess of two percent (2%) lump sum payments (in total for fiscal years 2012 and 2013) for other employee groups at Montgomery College, Montgomery County Government, or Montgomery County Public Schools; then the College shall notify the union, and the parties agree to promptly meet and negotiate in good faith in an effort to reach agreement on such changes, if any.

Furthermore, in the event Montgomery College provides stipends to those employees serving in leadership positions within the governance structure established by Montgomery College, any bargaining unit member serving in such position will be eligible to receive the stipend in accordance with the procedure to be established by Montgomery College. The membership of the bargaining unit notified the College on December 2, 2011 that the agreement was ratified.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the attached resolution approving the collective bargaining agreement authorizing the Board chair to execute the memorandum of settlement and delegating to the president the authority and responsibility to implement and administer the agreement.

BACK-UP INFORMATION

Board Resolution
Tentative Agreement November 11, 2011 (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON(S)

Ms. Espinosa

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **11-12-161**
Adopted on: **12/12/2011**

Agenda Item Number: 13C
December 12, 2011

**Subject: Approval of Memorandum of Agreement - Collective Bargaining Agreement
with Service Employees International Union (SEIU), Local 500, CtW**

WHEREAS, the Service Employees International Union (SEIU), Local 500, CtW is the exclusive representative authorized to negotiate on behalf of certain part-time faculty members at Montgomery College; and

WHEREAS, a tentative agreement with amendments to the collective bargaining agreement has been negotiated by teams representing the Board of Trustees and SEIU, Local 500, CtW; and

WHEREAS, on December 2, 2011, the members of SEIU, Local 500, CtW notified the College that the tentative agreement was ratified; and

WHEREAS, the Board negotiating team recommends approval of the tentative agreement by the Board; and

WHEREAS, the president recommends that the Board take the following action; now therefore be it

Resolved, That the Board of Trustees approves the amendments to the collective bargaining agreement set forth in the attached tentative agreement; and be it further

Resolved, That the Board of Trustees authorizes the Board chair to execute the tentative agreement between the Board of Trustees of Montgomery College and the Service Employees International Union, Local 500, CtW; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement and to further delegate responsibility for the implementation and administration of the agreement to appropriate College staff.

DPP:abg