

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and between the Board of Trustees of McHenry County College ("College") and the McHenry County College Adjunct Faculty Association, IEA-NEA ("Adjunct Faculty Association").

WHEREAS, the College and the Adjunct Faculty Association are parties to a Collective Bargaining Agreement 2015-2016 through 2017-2018 entered into in December 2014 ("CBA"); and

WHEREAS, Section 3.1 of the CBA, titled "Recognition" sets forth the description of the employees at the College who are represented by the Adjunct Faculty Association and who are covered by the terms of the CBA; and

WHEREAS, on February 26, 2016, the Adjunct Faculty Association filed a majority interest self-determination representation petition with the Illinois Educational Labor Relations Board ("IELRB") pursuant to Section 7 of the Illinois Educational Labor Relations Act ("Act") seeking to add instructors to the Adjunct Faculty Association who have provided a total of at least 45 contact hours of instruction in ESL and/or ASE, ABE/GED courses in each of the prior three (3) semesters ("Petition"); and

WHEREAS, the IELRB processed the Petition together with the additional documents and authorization cards that were filed by the Parties; and

WHEREAS, on May 18, 2016, the IELRB issued an Order of Certification finding that the Adjunct Faculty Association represented a majority of the petitioned for employees, and accordingly issued a new Certification of Representative that certified and described the bargaining unit as of that date; and

WHEREAS, a copy of the Order of Certification issued by the IELRB on May 18, 2016 is attached hereto as Exhibit A.

NOW THEREFORE, it is mutually understood and agreed by the College and the Adjunct Faculty Association as follows:

1. **INCORPORATION OF RECITALS**

The foregoing recitals are incorporated into and shall be considered part of this Memorandum of Understanding.

2. **REVISED CERTIFICATION OF REPRESENTATIVE AND BARGAINING UNIT DESCRIPTION**

The current description of the Adjunct Faculty bargaining unit is set forth in the IELRB Certification of Representative statement found in the May 18, 2016 Order of Certification, which is on Page 3 of attached Exhibit A. Accordingly, the parties understand and agree that the language in Section 3.1 of the CBA is replaced in its entirety by the following language:

Section 3.1 Recognition

The Board of Trustees of McHenry County College, Illinois Community College District 528 (hereinafter the "Board") or its agents, hereby recognize the McHenry

County College Adjunct Faculty Association, IEA-NEA, (hereinafter referred to as the "Adjunct Faculty Association"), as the exclusive and sole collective bargaining representative for adjunct faculty currently employed at McHenry County College as follows:

Included: All adjunct faculty currently employed at McHenry County College who provide a minimum of three (3) credit hours of instruction per academic semester for at least three (3) consecutive semesters excluding the summer term; and who have taught at least three (3) credit hours in each of the two (2) academic years prior to the current academic year; and all instructors at McHenry County College who have provided a total of at least 45 contact hours of instruction in ESL and/or ASE, ABE/GED courses in each of the prior three (3) semesters. Bargaining unit eligibility shall commence at the beginning of the third consecutive academic semester in which the adjunct faculty member provides at least three (3) credit hours or 45 hours of contact time or instruction.

Excluded: All adjunct faculty members who do not meet the bargaining unit eligibility criteria set forth above and all supervisors, managers, officers, part-time, short-term and confidential employees as defined in the Act.

3. **LIMITED AMENDMENT TO THE CBA**

The Parties understand and agree that this MOU is not intended to reopen or amend the current CBA in any manner other than replacing the language of Section 3.1 with the language stated in Paragraph 2 above.

4. **COUNTERPARTS**


This MOU may be executed in counterparts.

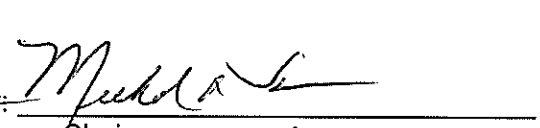
5. **EFFECTIVE DATE**

This MOU is effective immediately upon execution by the authorized representatives of the Board and the Adjunct Faculty Association.

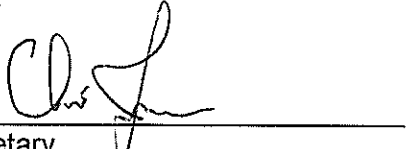
**MCHENRY COUNTY COLLEGE
ADJUNCT FACULTY ASSOCIATION**

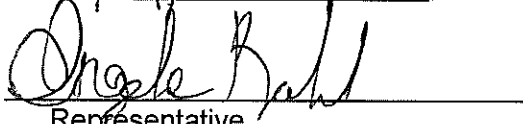
**BOARD OF TRUSTEES
MCHENRY COUNTY COLLEGE**

By: 
President

By: 
Chair

Dated: 9/19/16, 2016

Attest: 
Secretary

By: 
Representative

Dated: 9/22, 2016

Dated: 9/19/16, 2016

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

McHenry County College,)	
)	
Employer,)	
)	
and)	Case No. 2016-RS-0006-C
)	
McHenry County College Adjunct Faculty)	
Association, IEA-NEA,)	
)	
Petitioner.)	

ORDER OF CERTIFICATION

I. Majority Interest Petition

On February 26, 2016, McHenry County College Adjunct Faculty Association, IEA-NEA ("Union") filed a majority interest self-determination representation petition with the Illinois Educational Labor Relations Board ("IELRB" or "Board") pursuant to Section 7 of the Illinois Educational Labor Relations Act ("Act") seeking to add all instructors at McHenry County College who have provided a total of at least 45 contact hours of instruction in ESL and/or ASE, ABE/GED courses in each of the prior three (3) semesters to the unit currently described as:

Included: All adjunct faculty currently employed at McHenry County College (including adjunct faculty members who provide instruction in ESL, ABE and ASE programs, and who meet the College's minimum requirements for the teaching of transferable credit hours) who provide a minimum of three (3) credit hours of instruction per academic semester for at least three (3) consecutive semesters excluding the summer term; and who have taught at least three (3) credit hours in each of the two (2) academic years prior to the current academic year. Bargaining unit eligibility shall commence at the beginning of the third consecutive academic semester in which the adjunct faculty member provides at least three (3) credit hours of instruction. For initial voting eligibility purposes, the adjunct faculty member must provide a minimum of three (3) credit hours of instruction for the Spring 2005, Fall 2005 and Spring 2006; and in addition have taught at least three (3) hours in each of the academic years 2003-2004, 2004-2005 and 2005-2006.

Excluded: All adjunct faculty members who do not meet the bargaining unit eligibility criteria set forth above and all supervisors, managers, officers, part-time, short-term and confidential employees as defined in the Act.



II. Processing of Majority Interest Petition

The Majority Interest Petition is supported by ten properly signed and dated authorization cards.¹ On March 18, 2016, McHenry County College ("College") posted a Notice to Employees in accordance with Section 1110.90 of the IELRB Rules and Regulations, 80 Ill. Adm. Code Section 1110.90. On March 7, 2016, the College provided the names of 17 employees sought pursuant to Section 1110.105(b) of the Act, 80 Ill. Adm. Code Section 1110.105(b). The College did not provide signature samples for those employees under Section 1110.105(c) of the Rules. No objection with respect to any proposed exclusions from the bargaining unit or allegations of fraud or coercion in obtaining the showing of interest, or any other issues that could have been raised by the petition were filed with the IELRB.

III. Jurisdictional Facts

The College is an educational employer within the meaning of Section 2(a) of the Act. The Union is an employee organization within the meaning of Section 2(c) of the Act and an exclusive representative within the meaning of Section 2(d) of the Act.

IV. Discussion

Section 80 Ill. Adm. Code 1110.105(e) of the Board's Rules provides that the IELRB shall certify the petitioning employee organization as the exclusive representative of the proposed bargaining unit within 30 days after service of the majority interest petition,² where:

1. the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
2. there are no issues of fraud or coercion in obtaining the showing of interest;
3. the petition is otherwise consistent with the Act and this Part, and

¹ The petition was accompanied by 14 authorization cards. However, based on the information submitted by the District, the undersigned determined that the showing of interest did not demonstrate the appropriate level of showing of interest. Pursuant to Section 1110.80(h) of the Board's rules, on April 4, 2016, the Board Agent investigating the petition notified the Union of this determination and allowed 48 hours to provide additional showing of interest. On April 6, 2016, the Union provided the requisite supplemental showing of interest.

² Public Act 96-0813, effective October 30, 2009, changes Section 7(c-5) of the Act to allow a period of 120 days for certification of the bargaining unit.

4. either there are no unit appropriateness or exclusion issues, or the number of contested positions or employees is not sufficient to affect the determination of majority status.

The College and the Union have complied with the Act and IELRB Rules and Regulations for a majority interest petition. The Board Agent compared the names provided by the College with the showing of interest submitted by the Union. Based on the evidence submitted, the Board is satisfied that the Union represents a majority of the petitioned for employees, there are no issues of fraud or coercion, the petition is otherwise consistent with the Act and there are no unit appropriateness or exclusion issues.

V. Certification of Representative

Accordingly, the Union is hereby certified as the exclusive representative of the bargaining unit detailed below:

Included: All adjunct faculty currently employed at McHenry County College who provide a minimum of three (3) credit hours of instruction per academic semester for at least three (3) consecutive semesters excluding the summer term; and who have taught at least three (3) credit hours in each of the two (2) academic years prior to the current academic year; and all instructors at McHenry County College who have provided a total of at least 45 contact hours of instruction in ESL and/or ASE, ABE/GED courses in each of the prior three (3) semesters. Bargaining unit eligibility shall commence at the beginning of the third consecutive academic semester in which the adjunct faculty member provides at least three (3) credit hours or 45 hours of contact time or instruction.

Excluded: All adjunct faculty members who do not meet the bargaining unit eligibility criteria set forth above and all supervisors, managers, officers, part-time, short-term and confidential employees as defined in the Act.

Dated: May 18, 2016
Issued: Chicago, Illinois



Victor E. Blackwell
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