

Summary of the March 7, 2012 Tentative Agreement

Below is a summary of the tentative agreement reached on March 7, 2012 between the MSCA and the BHE. So that there is no confusion, the 3.5% increase to be paid under the current collective bargaining agreement on June 30, 2012 is not part of this new collective bargaining agreement, meaning that it will be paid, as scheduled, on June 30, 2012.

The March 7, 2012 tentative agreement includes a “Retirement Incentive” that will amend the 2009-2012 collective bargaining agreement as follows:

- Retirement-eligible faculty and librarians (according to the requirements of the Commonwealth’s retirement system), regardless of whether enrolled in the State Employee Retirement System or the Optional Retirement Plan, who retire from state service on or after March 7, 2012 and on or before June 29, 2012, shall receive a one-time, non-base, retirement incentive payment of \$10,000.
- If the faculty member or librarian is employed or reemployed by an agency of the Executive Branch of the Commonwealth, including the BHE, within one year of the effective date of retirement, then the faculty member or librarian shall be required to repay the entire retirement incentive payment.
- The words “employed” and “reemployed” in the preceding sentence shall not be deemed to include a day part-time teaching appointment, appointment as an instructor for any graduate or continuing education course or an appointment as an athletic coach.
- The BHE agrees to waive the 90-day notice for such faculty and librarians to receive their sick-leave buy-back.

The March 7, 2012 tentative agreement proposes a two-year collective bargaining agreement effective July 1, 2012 through June 30, 2014.

All provisions of the current collective bargaining agreement that are not amended as below will remain in full force and effect from July 1, 2012 through June 30, 2014.

1. Accelerator monies:

- If all increases for FY 2013 and FY 2014 have not been paid, meaning implemented as base rate salary increases, by January 31, 2014, then the BHE shall either immediately pay all monies owed, as alleged by the MSCA in the two consolidated grievances filed over the failure to pay the “accelerator” monies and associated increases, or it shall, at the request of the MSCA, proceed to binding arbitration.
- The BHE agrees to raise no procedural defenses to the MSCA’s accelerator grievances, and the MSCA agrees that the BHE may raise in arbitration any substantive defenses it claims to have (and the MSCA denies it has).

- The MSCA and BHE agree that Article XI, Section M, of the current collective bargaining agreement and the successor to it shall apply to the accelerator grievances.
 - The MSCA waives any claim to further accelerator payments based on FY 2012 tax revenues.
2. If, on or after January 31, 2014, the BHE pays the accelerator monies owed under the terms of the current collective bargaining agreement and the legislature later appropriates funds for the 2012-2014 collective bargaining agreement, the BHE will offset the amount of any accelerator monies already paid to active unit members against any amounts unit members may be due.
 3. Full-time faculty and librarians and salaried part-time faculty will receive base salary increases as follow:

July 1, 2012	1.75%
January 1, 2013	1.75%
July 1, 2013	1.75%
January 1, 2014	1.75%
 4. Part-time faculty, including music instructors at Westfield State University, will receive stipend increases as follow:

July 1, 2013	1.75%
January 1, 2014	1.75%

(Part-time faculty, including music instructors at Westfield State University, will not receive the 1.75% increases on July 1, 2012 and January 1, 2013 because they will be paid, as a partial grievance resolution¹, the accelerator monies they are due during the Spring 2011 and/or Spring 2012 semesters as a result of the FY 2011 tax revenues having exceeded the \$20.42 billion threshold.)
 5. As a partial grievance resolution¹ full-time temporary faculty and librarians who taught during the Spring 2011 and/or who are teaching during the Spring 2012 semester will be paid the accelerator monies they are due as a result of the FY 2011 tax revenues having exceeded the \$20.42 billion threshold.
 6. As a partial grievance resolution¹ faculty and librarians who retired before March 7, 2012 and who are due accelerator monies during the Spring 2011 and/or the Spring 2012 semester will be paid the accelerator monies they are due as a result of the FY 2011 tax revenues having exceeded the \$20.42 billion threshold.
 7. The Minimum Salary Formula (Article XIII-A) will be increased as follows on the following dates:

July 1, 2012	1.75%
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¹ The partial grievance resolutions are not subject to ratification by the membership but are included in this summary so members understand the new collective bargaining agreement in conjunction with the partial resolution.

January 1, 2013	1.75%
July 1, 2013	1.75%
January 1, 2014	1.75%

8. Increase the Commonwealth's Health and Welfare contributions to the following amounts:

On the first pay period January 2014:	\$14.50 per FTE unit member/calendar week
On the first pay period June 2014:	\$15.00 per FTE unit member/calendar week

9. Amend the following provisions so that they will continue and will be funded as in the current collective bargaining agreement:
 - Post-tenure Review (Article VIII-C, Sections A, B, C, D, G)
 - Terminal Degree Adjustments (Article XIII, Section D)
 - Promotion Increases (Article XIII, Section E)
 - Minimum Salary Reviews (Article XIII, Section F)
 - Per Capita Professional Development (Article XIV, Section G)

10. Any amount remaining in a pool of 0.5% of the unit payroll after minimum PTR expenditures have been subtracted will be applied each July 1 toward correcting inversion and compression via formulary increases.

11. The evaluation procedure for full-time faculty and librarians being evaluated for reappointment will have reduced submission requirements during the third and fifth years as follow:
 - The materials required to be submitted in reappointment evaluations in the third and fifth years shall only be a narrative by the unit member, SIR II student evaluations and classroom/direct observations by the department chair/library program area chair/library director, as appropriate.
 - The review period for the reappointment evaluation in the fourth year shall include the unit member's second and third years.

12. Language will be included requiring that the initial step for the tenure evaluation of a non-tenured department chair will be by the Departmental Peer Evaluation Committee.

13. Clarify that the procedure for selecting a successor department chair will be the same as the procedure for "filling a vacancy from within the department" as described in the current collective bargaining agreement.

14. Salaried part-time faculty who acquire just cause status will be given notice when they attain that status.

15. Clarify that for consolidated grievances the fourteen days to schedule the Step 2 hearing begins from the expiration of the period for the COP Chair to determine that the

grievance is to be treated as a consolidated grievance, not from the date the complaint was filed.

16. Add tenure and just cause status as items required to be reported on Appendix Q.
17. Incorporate into Article VIII the long-standing “dual role” understanding of the parties i.e., no person may twice evaluate a member for the same personnel action during an evaluation period.
18. Replace references to “college” and “colleges,” to references to “university” and “universities,” as appropriate.