

**Massachusetts State College Association
Delegate Assembly
April 30, 2005
Worcester State College**

The meeting was called to order at 10:00 a.m.

President Markunas introduced the MSCA officers; Melvin Gross, the Stenographer; guests from the MTA (Donna Sirutis and Bob Whalen); and professor emeritus John Moon and his wife. Special thanks were given to MSCA office secretary Jane Fiste, for her work in making the arrangements for the Assembly and for all of her work and assistance throughout the year; Worcester chapter president Dan Shartin and Chapter Secretary Lisa Reese for their work in helping with the on-site arrangements; to Ann Marie Heyes of the Worcester State Facilities Office; and to Tammy and Lori of the Worcester State Catering Office for their assistance on this day and throughout the year.

Prof. Dan Shartin delivered the welcoming comments to the Assembly on behalf of the Worcester/MSCA Chapter.

First Report of the Credentials Committee:

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the first Credentials Committee Report: 41 registered delegates, 9 guests. It was moved and seconded to adopt the report. The motion passed.

It was moved and seconded to adopt the standing rules as received. The motion passed.

It was moved and seconded to adopt the agenda for the Assembly. The motion passed.

It was moved and seconded to accept the May 1, 2004 Delegate Assembly Minutes. The motion passed.

MSCA Officers' Reports

President's Report - Patricia Markunas

As seems to be true in every one of our 26 years as a union, the Massachusetts State College Association has experienced some important successes over the past twelve months but looks ahead to significant challenges as well.

The greatest success this year, without a doubt, was the settlement and ratification of a collective bargaining agreement for faculty and librarians in the day bargaining unit. This achievement is unique among the higher education unions, all of which are still waiting for retroactive monies to be paid from contracts dating back three or four years. The only public employee union that endorsed Mitt Romney's election as governor - the state police - does not have a contract sixteen months after theirs expired.

This achievement did not happen without the incredible support of the MSCA membership for the strategy adopted and executed by the MSCA Bargaining Committee. Every action, individually and collectively, helps and they had a cumulative effect to advance the negotiations in two critical ways. The first one was to defeat Mitt Romney's hand-picked legislative candidates, resoundingly and unanimously. The second one was to convince the chair of the Board of Higher Education, Steve Tocco, to appoint a new bargaining committee for management and to empower them to make the deal happen.

The request for the contract's funding has been forwarded from the Board of Higher Education to the governor's office for his action. The administration has 45 days to submit the cost request as a bill for legislative action. Chairman Tocco and President Robert Antonucci, who served as the chair of management's new team beginning in January, will meet with administration officials to support the contract's funding.

On behalf of the MSCA, President Markunas thanked MTA Consultant Donna Sirutis, MSCA Bargaining Committee Chairperson Brad Art and the members and alternates of the Bargaining Committee for their incredible determination in getting this settlement. She also recognized MTA Higher Education Director Priscilla Lyons for her assistance at key moments in this process and thanked Presidents Robert Antonucci and Dana Mahler-Faria for their willingness to step into the negotiations in an unprecedented way to get the parties to settlement.

On the legislative front, MSCA is working in coalition with the other public employee unions to insure that the Legislature keeps its promise to restore public employee health insurance premiums to 85%/15%. MSCA is supporting legislative efforts to increase the state's investment in its public higher education system as recommended in the report of the Senate Task Force on Public Higher Education. At last year's Assembly, the delegates endorsed Senator Barrios' bill to allow undocumented aliens who graduate from Massachusetts public high schools to pay in-state tuition at public colleges and universities and the support for this legislation continues.

A legislative priority has been the establishment of health insurance and retirement benefits for hundreds of part-time faculty at the state colleges. On May 12th, the Massachusetts Community College Council will hold an all-day State House Lobby Day in support of bills to establish these important benefits for part-time faculty throughout public colleges and universities.

Most importantly, the MSCA Board of Directors is on the record in support of HB 3161, a bill to amend the state's collective bargaining law to allow the statutory employer of record - in our case, the Board of Higher Education - the ability to submit the cost requests for the collective bargaining agreements they negotiate directly to the Legislature for funding. The governor can no longer have three "bites at the apple" in the collective bargaining process. The bargaining experiences have been progressively worse over the past 15 years. The process is broken and we must make the effort to fix it. If not, we must resign ourselves to the kinds of stalemates we and our colleagues in public higher education have suffered and continue to suffer with governors who have no respect for us or this process.

President Markunas reported that Ben Jacques, of the Massachusetts College of Liberal Arts, will continue to serve as the editor of the MSCA Perspective and that Nancy George will continue as the MSCA Webmaster. She reported that Susan Edwards has done a superb job as the MSCA Archivist, and she chairs an ad hoc committee on the development of policies for the retention and destruction of documents related to all aspects of the union's work.

Two professional development programs were held this year. The first, in October, was the Conference on Academic Freedom and Privacy Issues, which involved four workshops presented by attorneys from the MTA Legal Division, the MTA consultants and faculty members from Fitchburg and Worcester State Colleges. The keynote address was given by Michael Simpson of the NEA General Counsel's office. The second workshop, sponsored with the Council of Presidents and held in February, was on the implementation of the parties' memorandum of agreement on grievance mediation.

President Markunas expressed her deepest appreciation for the honor of serving as President and for the members' continued support of her work on their behalf. Individuals inside and outside the MSCA have commended it for pulling together and working together over the past our years. President Markunas pledged to work tirelessly and unrelentingly on the members' behalf with the officers, the Board, the consultants and everyone else who supports public higher education and the faculty and librarians who so proudly educate the citizens of the Commonwealth.

Vice President - Frank S. Minasian

Vice President Minasian reported on two important initiatives in which he participated. Both initiatives were successful and in the long run will enhance the union's long-term interest in doing a better job in representing its members.

The first initiative was actively participating in the November election and getting every single state representative and senator supported by this union, elected. Governor Romney targeted certain state representatives and senators for their support of a wide variety of union positions. The effort of this Governor was across the board and the union response was equal to the task of defending the union positions and our friends in the legislature. MTA/MSCA won every contested seat and the state legislature is much more supportive of the wide range of issues important to members.

The second initiative was also political and concerned the problems with the approval of collective bargaining agreements once they have been bargained. The process is cumbersome enough but the governor, under the law Chapter 150E, has three bites at the apple. Once the contract is bargained according to the administration's parameters, the governor must approve the funding before it goes to the legislature for approval, after which he may veto the legislation that he once recommended.

As a member of the MTA Governmental Relations Committee that proposes this MTA legislative program, Vice President Minasian reported that he was instrumental in getting the committee to propose amending Chapter 150E to minimize the governor's role in the process. He reported further that, with the determined effort of the GRC, the unanimous support of the MSCA Board, the MSCA President, and the MSCA Representative to the MTA Board, the legislation was added to the MTA legislative agenda.

Vice President Minasian expressed his thanks to all the members and the MTA consultants for their support this year.

Secretary - Nancy George

Secretary George reported that she attended all MSCA Board meetings; took detailed notes during the meetings; and submitted meeting minutes, in the form of a digital file, to the MSCA President Markunas, no later than 48 hours after each meeting.

In October Secretary George moderated a session at the *MSCA Conference on Academic Freedom* held in Natick, MA. The session was titled, *Communications and Privacy Issues in an Electronic Age*, and was entirely applicable to her role as MSCA Secretary.

In February Secretary George convened the *Ad Hoc Committee on E-Mail Security*, comprised of MSCA Vice President Minasian, MSCA Treasurer Price and herself, at Worcester State College to discuss the issue of e-mail security and MSCA communications. The MSCA Board continues to discuss these issues.

In the spring semester Secretary George supervised the nomination/election process for the 2005 NEA Representative Assembly to be held in Los Angeles, California, July 1-6. The following members will represent the MSCA at the 2005 NEA-RA: Joseph M. Ebiware (MCLA); Joel Litvin (Bridgewater); Len Paolillo (MCLA); and Charles Wellens (Fitchburg).

Secretary George thanked the members for allowing her to serve as the MSCA Secretary. She expressed her appreciation of the chance to serve the MSCA in this way and stated that she will continue to work on various issues that relate to the role of the MSCA Secretary.

Treasurer - Gail Price

Treasurer Price recognized the outstanding work of the staff members in her office, Laura Casey-Pupek and Karl Lindstrom, and of the local chapter treasurers.

Treasurer Price presented the auditor's report. It was moved and seconded to adopt the auditor's report, as presented in the treasurer's report. The motion passed.

It was moved and seconded to go into the committee as a whole to hear the presentation of the budget and the dues. The motion passed.

Treasurer Price presented the MSCA budget to the Assembly. She noted there would be no dues increases for FY 2006.

It was moved and seconded to go out of the committee as a whole. The motion passed.

It was moved and seconded to adopt the proposed FY 2006 budget and dues. The motion passed.

Second Report of the Credentials Committee

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the second Credentials Committee Report: 44 registered delegates, 9 guests. It was moved and seconded to adopt the report. The motion passed.

MSCA Committee Reports

AA/DIV/EO Committee - Tracy Ware

Chairperson Ware was unable to attend the Assembly and presented a written report to the delegates.

Bargaining Committee (Day) - Brad Art

Chair Art thanked all members of the Bargaining Committee; Donna Sirutis, MTA Consultant for the Day Bargaining Unit; and Vice President Frank Minasian for designing a grievance/mediation process that is now part of the Agreement. Consultant Sirutis was recognized for all of the hard work she does on behalf of the MSCA and was presented with a gift certificate to a local restaurant.

The MSCA ratified a tentative agreement, which has been submitted to the governor. Chair Art provided the Assembly with a brief overview of the approval process.

The fact-finder's report on FY 2003 will be released soon.

Bargaining Committee (DGCE) – C .J. O'Donnell

Chair O'Donnell stated that the committee is not currently active because the DGCE contract is in place.

BHE/MTA Health and Welfare Trust - David Twiss

Trustee Twiss reported that the cost of the plan has increased but that income will increase with the funding of some of the collective bargaining agreements. The annual cost of the plan will now be over \$4,000,000. April marks the first month of a new three-year contract with MetLife. This month's bill was \$363,364.50 for 7,580 members (2,595 individuals and 4,988 family members). The annual benefit remains at \$750.

The issue of providing buy-up coverage was discussed by the MTA Higher Education Leadership Council. There seems to be very little enthusiasm for such coverage.

The fact that the IRS does not recognize same sex marriages creates a problem for the trust. Because the dental coverage to the nonmember in such a marriage is a taxable benefit, the trust is viewed by the IRS as an employer with the obligation to withhold and report the amount of the benefit. How this will be done should be worked out soon.

Committee on Librarian Concerns - Nancy George

The committee held a meeting on October 8 at Worcester State College at which Chris Brown, Bridgewater State College, was elected assistant chair of the committee. During the meeting, working conditions in state college libraries were discussed. State college librarians struggle with library director-librarian issues, insufficient library funding, the physical deterioration of library buildings, a high cost of living in the state of Massachusetts, inadequate salaries, and heavy workloads due to an insufficient number of librarians in state college libraries. Strategies to improve working conditions were discussed.

The committee had an opportunity to meet with Brad Art, Chair of the Bargaining Committee, and Donna Sirutis, MTA to discuss bargaining issues of concern to librarians. All present agreed that MSCA librarians must be included in any bargaining negotiations/strategies/agreements that are available to MSCA teaching faculty.

Throughout the year, email, using both on-campus and commercial accounts, was the primary form of communication for the group. The group continues to have a web page, which is updated as needed.

Chair George represented the committee at MSCA Board meetings on a monthly basis and in librarian-related discussions with other Board members. This representation was critical in a year filled with bargaining negotiations, demonstrations, and the Council of Presidents (COP) salary survey.

Throughout the year Assistant Chair Brown worked on finding information related to librarian salaries and work-year issues. Some of this information was sent to the MSCA President and the chairperson of the COP. The salary information Assistant Chair Brown obtained showed MSCA librarians are inadequately compensated, despite earlier statements made by various individuals that there didn't appear to be a salary disparity between MSCA librarians and library employees elsewhere.

According to her research, one example was that Massachusetts court library assistants (required qualifications: high school diploma + 2 years clerical experience) have starting salaries that are from \$6 less per year to \$900 more per year than a starting MSCA professional librarian (required qualifications: MLS + 3 year full-time professional experience) paid according to the minimum salary formula.

Elections Committee - Deborah Foss

The MSCA Elections Committee met in October 2004 and elected Deb Foss (MCLA) Chair/Elections Supervisor and Charlie Hetzel (Fitchburg) Vice Chair. After being briefed on the problems that occurred with the American Arbitration Association (AAA) during the 2004 Election of Officers, it was agreed that the committee would explore other vendors for the 2006 election and that MTA General Counsel Ann Clark would be consulted for any ideas she might have.

A meeting was held on April 8 with Ann Clarke, Pat Markunas, and Deb Foss in attendance. Attorney Clarke had contacted the Labor Guild of Weymouth, MA and verified that they do conduct mail ballot elections. She offered to contact the local National Labor Relations Board to solicit additional organizations that offer the same services.

The Labor Guild has been contacted and a meeting will be scheduled in May. Other possible vendors, as they are identified, will be contacted. The committee expects to present its recommendation for a vendor to the MSCA Board at either its June or September meeting.

Chairperson Foss expressed her thanks to the members of the Elections Committee, Sandy Faiman-Silva (Bridgewater), Charlie Hetzel (Fitchburg), C.J. O'Donnell (Mass Maritime), Amy Everitt (Salem), Gregg Neikirk (Westfield), and Julie Frechette (Worcester), whose collective time and energy will be called upon many times over the next 12 months.

Grievance Committee - Margaret Vaughan

Chairperson Vaughan expressed her appreciation to former MSCA Grievance Committee Chairperson Minasian for his many years of service to the MSCA. She reported on three important components of her work since her election in October.

Office Move and Documents Review:

In mid-November, the MSCA grievance office moved from Worcester to Salem. The many boxes of correspondence, depositions, briefs, and rulings sitting in the new state office offered a much-needed opportunity for house cleaning. A meeting of the Ad Hoc MSCA Documents Policy Committee was held

and MTA General Counsel Ann Clarke, and MTA Consultant Donna Sirutis were invited. General guidelines were drawn up to help MSCA's standing committees determine what documents should be kept for legal purposes and what should be kept for historical purposes. As a result, the MSCA Grievance Committee office will house all settlement agreements, arbitration rulings, and active Step III grievances, as well as maintain an ongoing database of all grievances filed at Step III.

The Grievance Committee has voted to pursue indexing of all arbitration rulings. The cost of such a project was of some concern, as was finding the right person to do the indexing, but it was agreed that keeping track of past decisions was important in arguing future cases.

Grievance Backlog:

At the end of the fall 2004 semester, there were 164 grievances awaiting arbitration. Since that time, Chairperson Vaughan has met with chapter grievance officers to review old grievances to determine their status. Many grievances were resolved and grievances no longer relevant were withdrawn. Many active grievances were settled without arbitration. The combined effect has reduced the number of active grievances from 164 to 83. Of the 83 active grievances, 32 have already had at least one day of arbitration hearings, which leaves 51 grievances yet to be heard. While this number does not suggest that we are fast on the heels of management, it certainly suggests that we are gaining ground.

Arbitration and Mediation:

In the fall of 2004, management and labor signed an important memorandum of agreement to establish mediation as an additional step in the grievance process. The first two mediation sessions were held in February 2005 with good results. While one case is still being negotiated, the other case, consisting of 40 grievances, has been resolved.

The process of mediation appears to be a wonderful solution to many grievances. It is a creative process in terms of outcomes for members and appears to be less expensive. Mediation sessions have been scheduled for one day a month, starting in July 2005. Arbitrations continue to be scheduled as well.

Chairperson Vaughan acknowledged the members who have taken on the (often thankless) job of chapter grievance officer as amazingly smart and helpful, and a pleasure to work with: Sandra Faiman-Silva (Bridgewater); Paul Weizer (Fitchburg); John Ambacher (Framingham); Sam Schlosberg (MCA); Joseph Ebiware (MCLA); Joseph Murphy (MMA); Ken Haar (Westfield); Anne Falke (Worcester).

She also stated that MSCA really couldn't accomplish anything without the knowledge, skills and grace of MTA Consultant Donna Sirutis, who keeps all the moving parts of the MSCA running smoothly. She thanked Mary Buckley who has been invaluable in organizing the state office. Mary is a wizard at her desk and on the computer, and MSCA is very lucky to have her.

Salary Database Committee - C.J. O'Donnell

As the chair of the MSCA Salary Database Committee, Chairperson O'Donnell has had the responsibility of receiving and recording certain salary data related to full-time faculty and librarians, salaried part-time faculty at the Massachusetts College of Art, and part-time clinical nursing instructors at Fitchburg State College. He also identifies missing data and works with chapter presidents to obtain those data from the colleges.

The database is the MSCA's principle tool for verifying the accuracy of management's implementation of certain financial provisions of the collective bargaining agreement. The database has also been used to help the Bargaining Committee with its economic proposals at the table.

The following have been accomplished since the 2004 Assembly:

1. The MSCA was able to confirm the statewide MSCA AA-payroll in order to ensure that the 1% Professional Development pools at the campuses were not under-funded for the 2004-2005 academic year.

2. The MSCA is in the final stages of preparing a list of the names of faculty and librarians whose salaries, may have been miscalculated under the terms of the 2001-2003 agreement (and beyond). This list will then be rectified with the colleges. The review is complex and has been slow due to the vast amount of data collection, entry, and verification required.

3. The database has been continuously updated throughout the year and faculty and librarian salary profiles for the Fall 2004 and Spring 2005 semesters have been included with this report. These salary profiles will be posted on the MSCA website.

4. A report template has been created in preparation of the salary adjustments and across-the board increases that will have effect during the recently ratified agreement. This should minimize the number of salary miscalculations in the future.

5. The Bargaining Committee used the database to formulate economic proposals and counterproposals during the recently concluded negotiations.

Chairperson O'Donnell reminded delegates that MTA provides an annual stipend for the purpose of maintaining a salary database. This past year that stipend was increased from \$6,300 to \$9,300. As a result, the committee continues to operate at no net cost to the MSCA.

In closing Chairperson O'Donnell thanked everyone associated with the committee for their assistance and support; the committee members and chapter presidents who help collect, copy, and forward materials from the colleges; the Board of Directors for their suggestions; MTA Consultant Donna Sirutis for her help sifting through the provisions of the agreement; and MSCA President Pat Markunas who has provided extensive guidance, time, and support.

Report of the MTA Director - Leonard Paolillo

The MTA has been working with the Labor Coalition to try to ensure that the House and Senate budgets include language that will sunset the current health insurance premium split and restore 85-15. The House budget did include the language that will sunset the current health insurance premium split and restore 85-15. New members will go back to the 80-20 level. This will go into effect (pending the Senate budget) on January 1, 2006.

There is \$1.1 million more allocated than last year to the state colleges in the House budget. It is hoped that the Senate will allocate more funding to the state colleges in their budget.

During the Fall of 2004, MTA launched an extensive election campaign. Utilizing multiple mailings, establishing phone banks and enlisting the volunteer work of its members, MTA was successful in defeating pro-Romney candidates. Governor Romney had attempted to establish a veto proof state senate.

MTA provided logistical support for the MSCA led demonstration at the Board of Higher Education meeting in October 2004.

MTA provided support for the MSCA's successful October 22, 2004 conference on Academic Freedom.

MTA's higher education division, as well as its communication division, provided assistance to the MSCA's December 2004 demonstration at Chairman Steve Tocco's Boston office.

During the Fall of 2004 and continuing this year, MTA leadership and lobbyists have worked with our higher education colleagues to obtain a portion of the retroactive funding due in their 2001-2004 agreements.

In January 2005, the director of MTA's Higher Education Division, Priscilla Lyons, worked with President Markunas in facilitating a meeting with Chairman Steve Tocco to get MSCA negotiations moving.

In February, MTA sent all higher education members a mailing to alert them of the governor's proposal to increase our health care premiums to 25%. MTA's legislative program includes bills to obtain health care benefits and pension benefits for part-time faculty at public colleges and universities.

MTA continues to support NEA efforts to repeal social security offsets (Director Paolillo continues to be one of the two national cadre members for Massachusetts). There are 252 cosponsors of HR147, the bill to repeal both social security offsets. All of Massachusetts' representatives are cosponsors of this bill. There are 17 cosponsors of S617, the bill in the Senate to repeal both social security offsets. Both Senators Kerry and Kennedy are cosponsors.

At the April, 2005 MTA Board of Directors meeting, the Board unanimously voted to support MFT sponsored legislation to amend Chapter 150E, the collective bargaining law. If enacted, this legislation would keep governors from holding hostage the funding of duly-negotiated higher education contracts.

At its April meeting, the MTA Board of Directors passed the following two motions:

To recommend to the Annual Meeting of Delegates, the adoption of the annual operating budget of \$30,527,997 and an operating dues level of \$338 based on 77,000 full-time equivalent active members for the 2005-2006 fiscal year.

To recommend to the Annual Meeting of Delegates, the adoption of the Public Relations/Organizing Campaign budget of \$2,310,000 and a public relations/organizing Campaign budget of \$30 based on 77,000 full-time equivalent active members for the 2005-2006 fiscal year.

Unless the delegates to the Annual Meeting change these numbers, there will be an \$8 dues increase for next year.

Director Paolillo will continue to serve as the MSCA's representative on the MTA Board of Directors for another three years.

Final Report of the Credentials Committee

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the final Credentials Committee Report: 44 registered delegates, 9 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

It was moved and seconded to reconsider the adoption of the minutes of the 2004 MSCA Delegate Assembly. The motion passed. No change was enacted in the minutes as adopted.

It was moved and seconded that the MSCA Delegate Assembly go on record in support of the Commonwealth's making a commitment to long-term, reliable and appropriate investment in its public higher education system, as recommended in the Senate Task Force Report on Public Higher Education; and further, that the Assembly recommend that each political party in Massachusetts include a platform plank in support of this investment in the state's public higher education system. The motion passed.

It was moved and seconded to support this resolution: The question of responsibility for the torture practices carried out by US soldiers and contractors that have taken place in Afghanistan, Iraq and elsewhere, including the abuses carried out under the US rendition policy, needs to be examined impartially by agencies superior to the military services and the civilian authorities involved. Since the above abuses are a flagrant violation of national, international, humanitarian and customary law, it is imperative that an

independent commission be appointed to examine the question of responsibility in a fair manner for all concerned parties. Therefore, the Massachusetts State College Association urges the Massachusetts Congressional Delegation to draft a bill calling for the appointment of a bipartisan commission to examine these abuses, to determine the issue of responsibility, and to make recommendations on how to prevent such abuses in the future. The motion passed.

It was moved and seconded to support this resolution: That the Massachusetts State College Association urge the members of the Massachusetts delegation to the House of Representatives to sign on to and support H. Con. Res. 35, as introduced to the House by Representative Lynn Woolsey and 23 members of the House on January 26, 2005, "Expressing the sense of Congress that the President should develop and implement a plan to begin the immediate withdrawal of United States Armed Forces from Iraq.

"Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should -

1. develop and implement a plan to begin the immediate withdrawal of United States Armed Forces from Iraq;
2. develop and implement a plan for reconstructing Iraq's civil and economic infrastructure;
3. convene an emergency meeting if Iraq's leadership, Iraq's neighbors, the United Nations, and the Arab League to create an international peacekeeping force in Iraq and to replace United States Armed Forces in Iraq with Iraqi police and Iraqi National Guard forces to ensure Iraq's security; and
4. take all steps necessary to provide the Iraqi people with the opportunity to completely control their internal affairs."

It was moved and seconded to amend the resolution to strike the word "immediate" from the resolution in section one. The motion failed on a hand count: 16 yes; 21 opposed.

The original motion passed on a hand count: 24 yes; 13 opposed.

It was moved and seconded that the MSCA Delegate Assembly urge the MTA to explore the feasibility of a merger with the MFT. The motion passed unanimously.

Adjournment

The meeting adjourned at 12:30 p.m.

Respectfully submitted,
Nancy George
MSCA Secretary