

**Massachusetts State College Association
Delegate Assembly
April 29, 2006
Bridgewater State College**

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

President Markunas introduced the MSCA officers; Catherine Schwenk, the parliamentarian; Ken Munn, the recorder; and the MTA consultants, Donna Sirutis and Bob Whalen. Special thanks were given to MSCA office secretary Jane Fiste for her work in making the arrangements for this meeting and for all of her work and assistance throughout the year; Bridgewater chapter president Jean Stonehouse; and Terri Dalton and Melissa Beatty for their work with the on-site arrangements. Thanks were expressed to all delegates who gave up the traditionally beautiful last Saturday in April to represent their colleagues and conduct the business of the union.

Bridgewater State College President Dana Mohler-Faria delivered greetings to the Assembly on behalf of Bridgewater State College. Special recognition, a plaque, and a gift were given to retiring Bridgewater/MSCA Chapter member and MSCA Treasurer, Gail Price, for her service to the college.

Prof. Jean Stonehouse delivered the welcoming comments to the Assembly on behalf of the Bridgewater/MSCA Chapter.

First Report of the Credentials Committee:

Jean Stonehouse, Chairperson, delivered the first Credentials Committee Report: 37 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

It was moved and seconded to adopt the standing rules as distributed. 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 April 30, 2005 Delegate Assembly Minutes. The motion passed.

MSCA Officers' Reports

President's Report - Patricia Markunas

“Every year of my presidency, I have posted a list of goals to be accomplished during the academic year on a white board at the front of my office. This year, I am especially proud of the goals that the MSCA leadership and membership have accomplished.

“First and foremost was the securing of the funding for the 2004-2007 collective bargaining agreement. I never thought this process would be more difficult than getting the funding for the 2001-2003 agreement, but I was wrong. Suffice it to say that without the persistence of the MSCA Board of Directors and our MTA consultant, Donna Sirutis, and without the close cooperation of the Council of Presidents, especially Fitchburg State College President Robert Antonucci, this goal never would have been realized.

“Once the contract funding was secured, several significant language changes in the agreement came into effect. A second major goal accomplished this year was to uphold the governance structure that has served us well for over thirty years. The MSCA Board of Directors did not wait for the contract to be funded in order to begin the strategic planning necessary to inform the membership as to the importance of maintaining current governance and to mobilize an unequivocal vote in support of it. Many thanks are extended to those faculty and librarians who turned out by the hundreds to vote in the governance referendum this year.

“A third important goal was to hold a smooth MSCA officers election that would be perceived as fair by all involved and would avoid the administrative problems of previous elections. Everyone in this union owes Deborah Foss, the chairperson of the MSCA Nominations and Elections Committee, a debt of gratitude for the accomplishment of this goal. Deb worked hard with the Elections Committee to revise the campaign rules, to set a realistic campaign calendar, to maximize participation in the campaign and voting, and, most importantly, to secure the services of a new election vendor, the Labor Guild of Massachusetts, which administered the election fairly, competently and at a much lower cost than the previous vendor.

“The development of new leadership within MSCA has been an oft-expressed goal of many people in MSCA over the years. I am happy to report that this goal will be significantly advanced over the next two years. Two new statewide officers will join MSCA Secretary Nancy George and myself come June 1st. The MSCA Board will have at least five and possibly seven new chapter presidents and directors come September. New members will join the Bargaining Committees, the Grievance Committee and local chapter executive committees. This infusion of new energy and new ideas into our organization is very much needed as we look to the future of the state colleges and its faculty and librarians.

“Time remains to accomplish a few more goals before September. Negotiations for the 2006-2009 DGCE contract will begin next week. Members of the DGCE Bargaining Committee, along with MTA Consultant Bob Whalen, are determined to settle these negotiations before the expiration of the current DGCE on August 31, 2006. For the first time in over a decade, there is a strong chance for passage of legislation to provide group health insurance benefits for part-time faculty across the public higher education system. These two goals are critically important to the 1000 part-time faculty members at the state colleges that we represent.

“Every year of my presidency, I have tried to sponsor a professional development opportunity for MSCA leadership and membership, typically during the fall semester. It was not possible to accomplish this goal this year because of the priority given to securing the contract funding. However, I am pleased to announce that the MSCA Board of Directors and the state college Council of Presidents have agreed to co-sponsor a series of workshops to be held next year at different locations around the state on the ever-increasing importance of our understanding of the conflict-of-interest law and its impact on our work as faculty, librarians and state employees. Watch for further information about these workshops in early September.

“Two important legislative goals - one federal and one state - remain "works in progress". Efforts at the federal level to repeal certain Social Security offset provision that have penalized state employees in states that do not participate in the Social Security system must be persistent and strengthened in order to achieve success with this priority. Lastly, the state's collective bargaining law, Chapter 150E, must be amended to change the role of the governor from that of repeated obstacle in the process to one more in line with the tradition balance of power between the governor and the legislature. For both of these goals, I am proud to report that we have and will work closely with our brothers and sisters in the other higher education unions here in Massachusetts on amending Chapter 150E and with unionized employees across the country under NEA's umbrella to repeal the Social Security offsets.

“On a personal note, I wish to thank the membership for their support in the recent election. I am proud to serve as your president and to represent you in negotiations, on Beacon Hill, before the Board of Higher Education, and on editorial pages across the state. I would like to recognize the important service to the membership of our two departing statewide officers, Frank Minasian and Gail Price, whose cooperation and support over the past five years made it possible to bring our union back together and move ahead on our important work on behalf of the membership. I thank our consultants and their director, Priscilla Lyons, for unwavering help, advice, and support during the very difficult challenges faced by our union.

“I hope that all MSCA delegates will attend the annual luncheon and awards ceremony, where I look forward to expressing our collective appreciation to those members whose statewide service is coming to, I hope, a temporary end. I look forward to working with the new officers and members of the MSCA Board

over the next two years to represent the state college faculty and librarians well, to protect their rights, and to support their excellent work with the students of the Commonwealth. Thank you for granting me the privilege and the honor of being the president of this fine organization.”

Vice President's Report - Frank Minasian

Not present.

No written report.

Secretary's Report - Nancy George

“Thank you for your support in the recent MSCA election and for re-electing me to the position of MSCA Secretary.

“In the past year, as secretary of the MSCA, I 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, Patricia V. Markunas, no later than 48 hours after each meeting.

“Spring semester I supervised the nomination/election process for the 2006 NEA Representative Assembly to be held in Orlando, Florida, June 30-July 1. I would like to congratulate those members who will represent the MSCA at the NEA-RA: Joseph M. Ebiware, MCLA and Len Paolillo, MCLA.

“In closing, thank you so much for allowing me to serve as the MSCA Secretary. I appreciate the chance to serve the MSCA in this way and I will continue to work on various issues that relate to the role of the MSCA Secretary. Thank you again.”

Treasurer's Report - Gail Price

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 2007.

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

It was moved and seconded to adopt the proposed FY 2007 budget, as described in the Treasurer's Report, as amended. The motion passed.

It was moved and seconded to amend the proposed FY 2007 budget to double the webmaster stipend from \$1,622 to \$3,244, within line item 9020, and decrease the amount of line item 9030 (Board of Directors/Assembly Meetings) by \$1,622. The motion passed.

It was moved and seconded to adopt the proposed FY 2007 dues as described in the Treasurer's Report. The motion passed.

Second Report of the Credentials Committee

Jean Stonehouse, Chairperson, delivered the second Credentials Committee Report: 38 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

MSCA Committee Reports

AA/DIV/EO Committee - Tracy Ware

Written report submission.

Bargaining Committee (Day) - Brad Art

Chair Art thanked the following people: all members of the Bargaining Committee (Day); Donna Sirutis, MTA Consultant for Day Bargaining; and Nancy George (Salem) for bringing forth the librarian issues to the Bargaining Committee.

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

Chair O'Donnell reported that the team is ready to begin negotiations, as the current contract expires August 31, 2006. A proposal has been drafted and the Council of Presidents is finalizing its proposal. Chair O'Donnell thanked the members serving on the Bargaining Committee (DGCE).

Elections Committee - Deb Foss

The 2006 Election of MSCA Officers cycle began in the spring of 2005. In May a meeting was held with the Labor Guild to discuss their availability and appropriateness to serve as vendor for the 2006 election. In September Election Committee members reviewed and revised the Election Rules and Calendar. The MSCA Board of Directors adopted the Election Rules and approved the Labor Guild as vendor in October and in November adopted the Election Calendar.

Five MSCA members requested nomination papers after November 1st. All five returned their papers by the January 2006 deadline and were subsequently certified by the MSCA Treasurer as having met the constitutional requirement for becoming certified candidates.

The process of submitting candidate statements and photos as well as proofreading statements occurred within the deadlines established by the Election Calendar. A flip of the coin at the February Board meeting determined the ballot order of candidates for Vice President. Campus forums were scheduled (one of the nine was subsequently adjusted in response to a candidate complaint). A ballot was prepared and reviewed by the Board at their March meeting.

All nine campus forums were held as scheduled. Ballots and candidate statement inserts were mailed on March 15 with several more ballots mailed after that date in response to members' requests (for a total of 2320 ballots mailed). Two election violations involving rule 10A were identified and addressed during the election period.

The ballot count was held at the Labor Guild on April 7, 2006. In attendance were Candidates Markunas, Minasian and O'Donnell; Elections Committee members Foss and Everitt; and MSCA members Art, Concannon and Twiss. The Labor Guild reported that 755 ballots had been returned. There was no obliteration or masking of control numbers on the outer envelopes and no challenged ballots.

Upon completion of the first count of ballots, the margin between candidates Minasian and O'Donnell was less than five percent. It was agreed that a recount would be done. After the second count (double counted and checked) there was a slight shift in votes; however, the outcome remained the same. The election results appear below. No written challenges were received by the April 13, 2006 deadline. The Labor Guild certified the results on April 20, 2006. The cost of their conducting the election was \$5110.16. [Note: their summary was presented to the Assembly with Chair Foss' report].

In summary, the 2006 election of the MSCA officers was conducted in accordance with the Election Rules and Calendar and was, in the opinion of the Supervisor, an inclusive and transparent process. The concerns

and complaints brought forward were "minor," in the sense that each was addressed efficiently and resolved in a straightforward manner.

Conducting this election placed substantial demands on individuals and offices. The success of the process was due to the cooperation, coordination, good humor and patience of many people. Supervisor Foss expressed her sincere gratitude to the Certified Candidates, Chapter Presidents, members of the MSCA Elections Committee, Gail Price and the MSCA Treasurer's staff, Ben Jacques and Susan McCarthy (Communications) and Jane Fiste (MSCA President's office) for their assistance and cooperation throughout this academic year.

Results of the 2006 MSCS Officer's Election

Office/Candidate	Votes received	Write-in Votes	Blank/Void Ballots
President: Pat Markunas*	681	15	59
Vice President:** C.J. O'Donnell* Frank Minasian	390 348	2	15
Secretary: Nancy George*	676	6	73
Treasurer: Glenn Pavlicek*	668	9	78

*elected

**results after a second count of ballots

Election conducted by the Labor Guild
 2320 Ballots mailed
 755 Ballots returned by deadline (April 6, 2006 @ 5:00 PM)
 0 Ballots set aside for challenges

Results certified by the Labor Guild April 20, 2006.

Grievance Committee - Margaret Vaughan

Chair Vaughan reviewed the numbers of active grievances for the time period from Spring 2004 to Spring 2006 and noted the status of 2005-2006 academic year grievances.

Three points worth noting:

- One of the grievances resolved at ERC provides day faculty who also teach in DGCE, and who meet Article VI criteria, to be promoted in DGCE despite not having received a comparable promotion in the day unit.
- In the last year, mediators heard 23 grievances and 18 of those grievances were resolved. Since the MSCA entered into mediations (now Step III in the grievance process) with management in February 2005, MSCA has settled 58 grievances. Mediation, it turns out, is a very useful means of resolving grievances - it's fast and is far less expensive than arbitration.
- Many of the new grievances filed at Step III this year relate to evaluation procedures being used at various colleges that are in violation of the collective bargaining agreement. As a result of such practices we have noted an increase in the number of promotion denials and tenure denials.

Arbitration Rulings:

Two arbitration rulings handed down this year have statewide significance.

- Regarding the DGCE contract, MSCA reached a settlement with management involving a chair's use of incidental evaluations to deny a unit member DGCE courses. However, the unit member's monetary settlement came only weeks prior to another ruling-covering roughly the same issue-that supported management's position. The arbitrator ruled that DGCE deans could hire anyone they believe helps address the "needs of the college." In other words, a faculty member, who has taught DGCE courses for many years, can lose teaching assignments if the dean believes someone else will do a better job meeting the college's "needs," a term that was not defined. This was a very disappointing loss.
- MSCA received an arbitrator's ruling that upheld the Day contract language giving full-time unit members "added consideration" when applying for a teaching position at one of the state colleges.

Consolidated grievances:

Three consolidated grievances filed at Step II deserved mention.

- Bridgewater State College President Dana Mohler-Faria, in his capacity as chairperson of the Council of Presidents, upheld the so-called "15% rule," which caps at 15% sections of courses taught in a department by part-time faculty. Work is ongoing to bring into compliance academic departments that are in violation of the rule.
- A second ruling by Worcester State College Janelle Ashley, in her capacity as chairperson of the Council of Presidents, upheld the faculty workload of 24 semester hours of credit per academic year. In other words, faculty members who have accumulated credits in excess of the normal workload must be provided comparable reductions in future semesters.
- Another important consolidated grievance was resolved at Step II by President Mohler-Faria in his capacity as chairperson of the Council of Presidents. This grievance stemmed from the 2004 Massachusetts State Ethics Commission's ruling that state college professors, who wish to use as required reading for a course textbooks or manuals that generate royalties for them, must obtain a "written determination from the appointing authority." Management argued that chairs should have such authority, but the MSCA argued that this could lead to conflict of interest and thus the final decision should reside with the academic vice president. MSCA's position was upheld.

Acknowledgments:

It was important to acknowledge the other eight people who have taken on the (often thankless) job of Chapter grievance officer for the state colleges. All have worked well together.

A special thanks was given to Bob Whalen and Donna Sirutis, who have saved MSCA time and money. By working with management to help hammer out favorable remedies for members, many potential grievances have been resolved early in the process. Donna's work has resulted in great success with mediation, as she is the person who argues the cases and does it very well.

Finally, thanks were given to Mary Buckley, who has been invaluable in organizing the state office. Chair Vaughan stated that she couldn't do her job without Mary's help.

Committee on Librarian Concerns - Nancy George

Written report submission.

Salary Database Committee - C.J. O'Donnell

Chair O'Donnell informed the Assembly that a written report would be sent to MSCA members' homes. Chair O'Donnell reviewed the importance of the committee and the role it plays in salary adjustments.

Massachusetts Teachers Association - Reports

MTA Director - Leonard Paolillo

Chair Paolillo gave the Assembly an overview of legislative activities affecting MSCA members that have been addressed by the MTA. He informed the group that Representative Martin Walsh's amendment, the 85/15 amendment, was passed April 28, 2006.

Three major developments were noted that attest to the hard work of the MTA and its higher education units: the MSCA contract was funded; the Massachusetts Senate recently passed the "Supporting Access and Excellence in Public Higher Education Act" (this bill would increase funding for UMass and state/community colleges by \$400 million over the next seven years); and the MTA is in the process of affiliating approximately 2,400 new higher education members who were formally affiliated with SEIU.

All MTA higher education units are working to: increase funding to our institutions; keep our health care costs affordable; increase state revenues; provide health care benefits to part-timers; fund future contracts; preserve our collective bargaining rights.

Issues and Activities:

- In July 2005, the MTA leadership working with President Markunas urged then Secretary of Administration and Finance A&F) Eric Kriss to submit our ratified contract to the legislature for funding.
- In September 2005, MTA's higher education division, as well as its communications division, provided assistance to MSCA in conducting a "Contract Liberation" campaign asking that A&F "free the contract" for legislative action.
- In October 2005, MTA Executive Director Ed Sullivan contacted the newly-appointed Secretary of A&F Tom Trimarco and sought his commitment to keep the promise made by his predecessor, Eric Kriss, to submit MSCA's contract to the legislature.
- In November 2005, Ed Sullivan and MTA Governmental Services Director Jo Blum met with House Speaker Sal DiMasi to urge him to put our contract funding bill on the House agenda and pass it.
- In 2005, the MTA working with the Labor Coalition was successful in obtaining the sunseting of our health insurance premium split to its current 85/15 level as of January 2006.
- MTA's legislative program includes a bill to obtain health care benefits and pension benefits for our part-time faculty.
- In 2005, MTA Director, Len Paolillo, was appointed by NEA President Reg Weaver to chair NEA's Legislative Committee.
- MTA continues to support NEA's efforts to repeal social security offsets.
- In March 2006, MTA President Cathy Boudreau and the MSCA MTA Director testified before the federal Spelling's Commission on Higher Education urging them to respect public higher education and its mission.
- MTA continues to fight against the pernicious Academic Bill of Rights proposed for Massachusetts public higher education institutions (the bill is modeled after federal legislation supported by David Horowitz and the Far Right. It appears to be dead in Massachusetts for this legislative session).

- This past Wednesday, April 26th, MTA sponsored a State House and Virtual Lobby Day to support our legislative priorities.
- Of note, unless the delegates to the MTA Annual Meeting oppose the proposed MTA annual operating budget figures, the annual MTA dues will increase by \$26.00 per member. Of this increase, \$21.00 is due to the pending change in the federal Employment Retirement Income Security Act.

BHE/MTA Health and Welfare Trust - David Twist

At its meeting of December 17, 2005, the board of trustees voted to approve a new three year contract with Metlife. The premium is increased 16% for the first year which began on the first of this month. The premium for the second year of the contract is capped at 8%. There is no cap for the second year. This contract provides for the same benefit as the last contract.

The 16% increase is less than expected because the loss ratio (income versus expense) was high.

The premium for this month is \$369,051.49.

The reserve balance as of March 31st was \$2,199,989.27.

Final Report of the Credentials Committee

Jean Stonehouse, Chairperson, delivered the final Credentials Committee Report: 38 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

None.

Adjournment

The meeting adjourned at 11:50 a.m.

Respectfully submitted,
Nancy George
MSCA Secretary