

**Massachusetts State College Association
Delegate Assembly
April 26, 2008
Salem State College**

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

President Markunas introduced the MSCA officers, C.J. O'Donnell, Glenn Pavlicek, Nancy George; Catherine Schwenk, the Parliamentarian; Katherine Pomeroy, the Recorder; Patricia Maguire Meservey, President, Salem State College; and guests from the MTA, Donna Sirutis and Bob Whalen. Special thanks went to Mary Buckley and Chris Melin for their work in making the arrangements for this meeting and help at registration; Nick Giarratani, stage manager for the recital hall; and Helen Watson-Felt, APA Chapter President for their work in helping with the on-site arrangements. Thanks were given to all delegates who gave up the traditional beautiful last Saturday in April to represent their colleagues and conduct the business of the union.

Salem State College President Patricia Maguire Meservey delivered greetings to the Assembly on behalf of Salem State College.

Prof. Amy Everitt delivered the welcoming comments to the Assembly on behalf of the Salem/MSCA Chapter.

First Report of the Credentials Committee:

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the first Credentials Committee Report: 34 registered delegates, 8 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, as received, for the Assembly. The motion passed.

It was moved and seconded to accept the April 28, 2007 Delegate Assembly Minutes. The motion passed.

MSCA Officers' Reports

President's Report - Patricia Markunas

“As my presidency draws to a close, I have thought a great deal about the accomplishments of our union over the past eight years. During the campaigns of 2000, I spoke personally to hundreds of MSCA members, who were loud and clear about what they wanted from their union. They wanted the contracts settled as soon as possible. They wanted improved communications within the union and with the media. They wanted a presence on Beacon Hill so that elected

officials would understand our work and give attention to our legislative priorities. And they wanted the union's leadership to work together to accomplish these goals.

These challenges were daunting enough, but there were others as well. During the bargaining crisis of those years, the union's infrastructure had been understandably neglected. Our reserves were nearly depleted. A backlog of arbitrations reached into three figures with no end in sight. The MSCA's records, transferred among four different MSCA presidents between 1988 and 1992, were in disarray and important materials were missing. The Employee Relations Committee, our contractual mechanism for working with state college management to prevent and resolve problems, had not met regularly and minutes had not been prepared for years.

All of these challenges have been met and the union is far stronger and positioned well for future growth. Only by the union's elected and appointed leadership working together and with the strong support of the rank and file membership were we able to accomplish all that the membership expected eight years ago.

Our record on contract negotiations, still the greatest challenge, is one of which we can be proud. We were the only higher education bargaining unit to have our contract funded during the Swift administration, and we provided leadership and cooperation to insure the funding of other higher education contracts. We achieved a contract settlement in 2005 with the direct involvement of two state college presidents at the bargaining table, a relationship that proved crucial when the Romney administration reneged on its settlement and the contract funding appeared in jeopardy.

Under the Patrick administration, we have pursued different strategies with the Board of Higher Education and the Council of Presidents to get to settlement. We finally have an advocate for public higher education, Fred Clark, as chairman of the Board of Higher Education. One challenge remains unchanged since 2000, however. State college faculty salaries remain lower than those at peer institutions, and the progress towards equitable salaries gained in the previous contract has been erased. This goal must be accomplished!

On the important priority of contract enforcement, the memorandum of agreement that established a mediation process for the parties to resolve grievances prior to arbitration has proven successful beyond anyone's expectation. The arbitration backlog has been cleared and the settlements achieved through mediation have provided a greater degree of satisfaction to both parties than the "win-lose" nature of arbitration. The cost savings has been phenomenal as well. My executive assistant, Christine Melin, has created a computerized, searchable set of abstracts for every legal opinion and arbitration decision that we have received over the past 30 years.

This resource, as well as the ongoing project to professionally archive the MSCA historical documents with a web-based inventory system, moves the MSCA's records into the 21st century and provides searchable access and several modes of retrieval to those MSCA officials who require records, no matter at what campus they reside.

The financial recovery of the MSCA has been phenomenal as well. Through rigorous scrutiny of all expenditures and the membership's support of two significant dues increases, our reserves are

near the half million dollar mark and we should be able to enact a dues decrease for perhaps the first time in our history.

Improvements in communications and creation of a presence on Beacon Hill took much work and commitment on our parts. The MSCA uses its website and email messaging to keep the membership informed on campus, while on leave and between semesters. The *MSCA Perspective* is stronger and we receive regular positive feedback about it. I trust that the new officers will explore electronic publication of the *Perspective* and the collective bargaining agreements. I have attended and testified at numerous legislative hearings over the years and met personally with the current governor, the House speakers and the Senate presidents whenever necessary.

Recognition must be given to many, many people for the successes noted above. I thank all of the people who have served as MSCA officers, chapter presidents, committee chairs and Board directors, who pulled together when times were tough and moved the MSCA forward. I thank people at MTA, especially Ed Sullivan, Priscilla Lyons and Ann Clarke, whose support was critical throughout these years. I thank Donna Sirutis and Bob Whalen for developing not only great working relationships but also close friendships.

I want to recognize the work of my three executive assistants, Kathleen Ell, Jane Fiste and Chris Melin, all of whom contributed different skills and strengths to the smooth running of the MSCA president's office. I thank Susan McCarthy, Rose Cooke, Monica Clinkscales and other SSC employees too numerous to mention, whose service and responsiveness to our needs were always top shelf.

I would like to thank members of management as well. The college presidents and their three executive officers (Bill O'Neil, Fred Clark and Ken Lemanski) worked with us through good times and bad with respect and professionalism. Salem State and I have been fortunate to have two great presidents, Nancy Dodd Harrington and Patricia Maguire Meservey, who have supported my work as president and never failed to cooperate with requests for help or services.

My family and friends deserve more appreciation than I could ever express in words. My parents, Frank and Ann Markunas, were my biggest supporters from afar. My best friend in life, Susan Sturgeon, served as my campaign treasurer for 10 MSCA campaigns and two MTA campaigns, and I could not have done any of this without her. My sister, Rita, and my husband, Tim, are the people I am closest to and they understand best how much this job requires in time, energy and commitment. They would have supported another term, even if I did not.

In closing, I offer my heartiest congratulations to C. J. O'Donnell for taking on the toughest job you'll ever love. I congratulate Amy Everitt, Glenn Pavlicek and Nancy George for their election as MSCA officers. I commend every member who steps up to the plate to run for office, because that willingness to put one's name in front of the membership for a position of leadership keeps this union democratic and strong. Thank you for the honor and the privilege of serving as an officer of the MSCA for the past 20 years. I have enjoyed it all and wish everyone the best of luck for future success."

Vice President's Report - C.J. O'Donnell

Vice President O'Donnell thanked the delegates for attending the MSCA Delegate Assembly and for giving him the opportunity to serve as the MSCA's vice president.

Vice President O'Donnell gave delegates an overview of his activities in the past year. Over the past year, Vice President O'Donnell has played a supportive role to President Markunas and he has stepped in for her as needed. He has attended task force and HELC meetings, chaired Board meetings, and served as a sounding board for President Markunas as well.

Secretary's Report - Nancy George

In the past year, Secretary George 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 typically no later than a day after each meeting.

Spring semester Secretary George supervised the nomination/election process for the 2008 NEA Representative Assembly to be held in Washington, D.C., July 1-July 6. She congratulated those members who will represent the MSCA at the NEA-RA: Ronald Colbert (Fitchburg), Jerry Concannon (MMA), Robert Coppola (Mass Art), Joseph Ebiware (MCLA), Joel Litvin (Bridgewater), Patricia Markunas (Salem), Ann Mrvica (Fitchburg), Len Paolillo (MCLA), Charles Wellens (Fitchburg), and Edward Welsh (Westfield).

In closing, Secretary George thanked MSCA members for allowing her to serve as the MSCA Secretary. She appreciates the chance to serve the MSCA in this way and will continue to work on various issues that relate to the role of the MSCA Secretary.

Treasurer's Report - Glenn Pavlicek

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 of the whole to hear the presentation of the budget and the dues. The motion passed.

Treasurer Pavlicek presented the MSCA budget to the Assembly. He noted there would be a dues reduction in FY 2009.

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

It was moved and seconded to adopt the proposed FY 2009 budget, as described in the Treasurer's Report. The motion passed.

It was moved and seconded to adopt the proposed FY 2009 dues as described in the Treasurer's Report. The motion passed.

Second Report of the Credentials Committee

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the second Credentials Committee Report: 36 registered delegates, 8 guests. It was moved and seconded to adopt the report. The motion passed.

Proposed Amendments to the MSCA Constitution

It was moved and seconded to adopt the proposed changes to the constitution and bylaws, provided that the adopted amendments shall not go into effect until after the close of this Delegate Assembly annual meeting. The motion passed.

It was moved and seconded that the Secretary be authorized to correct article and section designation, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of the MSCA. The motion passed.

Secretary's Note: Additions appear in *bold-face italics*; deletions are ~~struck~~; comments appear in [brackets].

It was moved to approve amendment #1 on behalf of the committee:

- 1) Article II, Section 2. Constitutional Relationships.

“The MSCA shall be a member of the Massachusetts Teachers Association (hereinafter, the MTA) and of the National Education Association (hereinafter, the NEA), and the Constitution of the MSCA, and those of its Chapters, shall not be in conflict with the constitutions of the MTA and the NEA. *If any provision of this Constitution is held unenforceable, then all remaining provisions of this Constitution shall remain in full force and effect.*”

The motion passed.

It was moved to approve amendment #2 on behalf of the committee:

- 2) Article III, Section 1. Membership of Chapters.

“The members of the faculty and the librarians *who are included in the bargaining units represented by the MTA* at any public college or public university in the Commonwealth of Massachusetts shall, upon the granting of a charter by the MSCA Board of Directors, comprise a Chapter of the MSCA. Prior to the granting of such a charter, any petitioning Chapter shall submit its constitution to the MSCA Board of Directors for approval. ~~Each Chapter shall submit amendments to its constitution to the MSCA Board of Directors for approval.~~

“No constitution of a Chapter, ***including any amendments enacted once a Chapter has become a member***, shall be in conflict with the Constitution of the MSCA. ***All amendments to Chapter constitutions shall be submitted to the MSCA Board of Directors to verify the lack of such conflict. Each Chapter shall submit any amended constitution to the MSCA President’s Office for safekeeping.***”

The motion passed.

It was moved to approve amendment #3 on behalf of the committee:

- 3) Article III, Section 2. Membership of Individuals.

“Any person who is eligible for membership in a Chapter of the MSCA ***and who is a member of a bargaining unit represented by the MTA*** is eligible thereby for membership in the MSCA.” [The remaining language in this section stays unchanged.]

The motion passed.

It was moved to approve amendment #4 on behalf of the committee:

- 4) Article IV. Officers and Elections.

“Section 1. Officers. The Officers of the MSCA shall be the President, the Vice-President, the Secretary, and the Treasurer. These Officers shall perform the duties prescribed in this Constitution and in the parliamentary authority adopted in Article IX. All persons elected to Office shall take office on the first day of June next following their election. All persons elected to fill vacancies in the various Offices shall take office upon election.

“[a] Special Duties of the President. The President shall be responsible for reporting to the MTA the names of MSCA delegates and designated alternates to the MTA Annual Meeting. The President shall be responsible for reporting to the NEA the names of MSCA delegates and designated alternates to the NEA Representative Assembly

“Section 4 [b] Special Duties Duty of the Secretary. The Secretary shall be responsible for conducting the election of MSCA delegates and designated alternates to the MTA and NEA Representative Assembly. [Move the second sentence of Section 4 to be the first sentence in Section 5 after it is amended. Delete the last two sentences of Section 4.]

“Section 5 [c] Special Duties of the Treasurer. The Treasurer shall be responsible for the preparation of a budget. All deduction payments shall be made to the MSCA. The Treasurer shall receive these funds, bill cash-payment members for dues, and

transmit amounts due the Chapters, the MTA, and the NEA according to a previously agreed upon plan. The Treasurer shall maintain a roll of the members. The Treasurer shall be bonded. ***The Treasurer shall be responsible for the determination of each Chapter's delegate allocation for the Annual Meeting of the Delegate Assembly and the MTA Annual Meeting, subject to approval by the Board of Directors.***

The motion passed.

It was moved to approve amendment #5 on behalf of the committee:

5) Article IV, Section 2. Nomination for Offices.

“Any member in good standing shall be eligible to be a candidate for office except for members of the MSCA Elections ***and Credentials*** Committees.

“[a] At any time after November 1 of any odd numbered year, an eligible member shall be required to obtain nomination papers by requesting by certified mail to the MSCA Nominations & Elections Supervisor stating the Office to be sought. The Nominations & Elections Supervisor shall enter the name of the eligible member and the Office to be sought on the nomination papers and deliver them to the eligible member within two weeks. No person shall be a candidate for more than one office.

“[b] In order to be certified as a candidate for Office, an eligible member shall be required to obtain at least forty signatures of members in good standing; no more than fifteen shall be counted from a single Chapter. The eligible member shall file nomination papers with the Nominations & Elections Supervisor prior to 5:00 PM of the third Friday of January next following.

“[c] The Nominations & Elections Supervisor shall certify that each eligible member's nomination papers have been timely and appropriately filed and shall report the names of the certified candidates and the office sought to the Board of Directors no later than the MSCA Board of Directors meeting next following. The Supervisor shall prepare a ballot on which names shall be entered in order, by lot, without designation of incumbency. A space for write-in candidates shall be provided for each Office. No person shall be a certified candidate save those who have complied with the above designated procedures.”

The motion passed.

It was moved to approve amendment #6 on behalf of the committee:

6) Article IV, Section 3. ***Election of Officers*** ~~Recall of Officers: Filling Vacancies.~~

“~~[a] [e]~~ Ballots shall be sent to all eligible MSCA members, who shall be certified as eligible voters by the MSCA Treasurer. In order to be eligible to vote, **a member shall have paid** dues ~~shall be paid~~ in compliance with Article III, Section 2, by March 15 of an election year.

“~~[b] [e]~~ The Nominations & Elections Supervisor shall publish the names of certified candidates for Officers of the MSCA at least thirty days prior to the election. Election of Officers of the MSCA shall be held at least 30 days after publication of the names of certified candidates. The Nominations & Elections Supervisor shall conduct the election for Officers of the MSCA by direct, secret balloting of the MSCA membership and shall report the election results to the Assembly prior to its adjournment. The Supervisor shall make a full report of the election to the MSCA Board of Directors no later than the first Friday in June next following.

“~~[c] [e]~~ The Nominations & Elections Supervisor shall submit all documents ~~and ballots~~ regarding the election to the MSCA President's Office for safekeeping.”

It was moved and seconded to amend the proposed language of amendment #6 to read:

6) Article IV, Section 3. ***Election of Offices*** ~~Recall of Officers: Filling Vacancies.~~

“~~[c] [e]~~ The Nominations & Elections Supervisor shall submit all documents ~~and~~ **excluding** ballots regarding the election to the MSCA President's Office for safekeeping.”

The motion to amend failed with a hand count: 16 yes; 17 no.

The original motion passed.

It was moved to approve amendment #7 on behalf of the committee:

7) “Article IV, Section ~~4~~ **3. *Vacancies and*** ~~Recall of Officers: Filling Vacancies.~~”

The motion passed.

It was moved to approve amendment #8 on behalf of the committee:

8) “Article IV, Section ~~5~~ **4. *Election of MSCA Delegates to the MTA Annual Meeting*** ~~Special Duty of the Secretary.~~

“~~The Secretary shall be responsible for conducting the election of MSCA delegates to the MTA and NEA annual meetings. Each Chapter shall be responsible for the election of its delegates to the MTA Annual Meeting, in accordance with the procedures established by the MTA. The Secretary shall be responsible for the~~

~~determination of each Chapter's delegate allocation and for the notification of each chapter as to the procedures for election established by the MTA. The Secretary shall be responsible for reporting to the MTA the names of all MSCA delegates to the MTA Annual Meeting.~~ ***Should there be vacancies in any chapter's delegation, the Board of Directors shall be empowered to fill such vacancies, in accordance with the procedures established by the MTA.***

The motion passed.

It was moved to approve amendment #9 on behalf of the committee:

9) Article V. Delegate Assembly.

“Section 2. Meetings. The Delegate Assembly shall hold an Annual Meeting on a day determined by the Board of Directors, which day shall be either the last Saturday in April or the first Saturday in May. At least fourteen days prior to the Annual Meeting of the Delegate Assembly, each Chapter shall submit to the ~~President~~ ***Credentials Committee*** a list of its Delegates and designated alternates. ***At least seven days prior to the annual meeting of the Delegate Assembly, the President shall report the names of Chapter Delegates and designated alternates to the Credentials Committee.***

“Special meetings of the Assembly may be called by the Board of Directors, by the Assembly itself, by petition of one-tenth the membership of each Chapter, by petition of one-half the membership of any two Chapters, or by a Petition of Recall presented under the provisions of Article IV, Section 4.”

The motion passed.

It was moved to approve amendment #10 on behalf of the committee:

10) Article VI. Board of Directors. New Section 4.

“Section 4. Quorum. A quorum of the Board of Directors shall consist of 50% plus one of the members of the Board (excluding vacancies but including the MSCA statewide officers who are not otherwise Board members).”

The motion passed.

It was moved to approve amendment #11 on behalf of the committee:

11) Article VII. Committees and Appointments.

“Section 1. Standing Committees. The Standing Committees shall be the Bargaining Committees, a Grievance Committee, a Legislation Committee, an Affirmative Action, Equal Opportunity, Diversity (AA/EO/DIV) Committee, an Elections Committee, ~~a Resolutions Committee~~, a Credentials Committee, and a Librarians Committee. Members of Standing Committees will serve a two year term commencing October of even numbered years and on the date of appointment by the Board of Directors under the provisions of Section 2 of this Article VII; however, no member of the Elections Committee nor of the Credentials Committee shall be a candidate for any Office of the MSCA during his or her term of service in such committee. Each Standing Committee shall consist of one member from and representing each Chapter. Each Standing Committee shall elect its own Chairperson *and determine its own quorum.*”

The motion passed.

It was moved to approve amendment #12 on behalf of the committee:

12) Article VII, Section 2. Appointments of Members Representing Chapters.

“Chapter members of Standing Committees of the MSCA shall be appointed by confirmation of the Board after first being nominated by the MSCA President. Said nomination(s) shall be made upon the recommendation of the local Chapter President.”

The motion passed.

It was moved to approve amendment #13 on behalf of the committee:

13) Article VII, Section 8.

~~Resolutions Committee. The Resolutions Committee shall consider all resolutions sent to the Chair of the Committee and shall recommend suitable action thereon when presenting the resolutions the Delegate Assembly.~~

The motion passed.

MSCA Committee Reports

AA/DIV/EO Committee - Lori Dawson

No report submitted.

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

On August 27, 2007 the Day Bargaining Committee reached a one-year agreement covering the period from July 1, 2007 to June 30, 2008. The agreement was ratified with a more than 90%

affirmative vote on September 26 and 27. It provided for salary and stipend increases retroactive to July 1, 2007. For full-time members the increase was 3.5% across the board, an additional \$120.20 on top of the 3.5%, and then an additional \$120.20 for each ten years of full-time service in the state college system. The stipend for part-time unit members was increased by 3.5%.

After the one-year agreement was ratified, the team put together another online bargaining survey that was posted on MTA's website in December 2007. The team used the more than 550 responses to the multiple-choice questions and reviewed the more than 30 pages of written comments that were submitted to put together a comprehensive proposal for a 2008-2011 agreement.

Bargaining on a three-year agreement began on February 4, 2008 and five sessions have been held to date. A sixth bargaining session will be held on May 1, 2008. At this time management has made no non-economic proposals and has informed the MSCA that it will not make non-economic proposals until it is authorized by the Patrick administration to make an economic offer.

To speed the process once Governor Patrick authorizes an economic offer, the team reached agreements with BHE Chairman Fred Clark and the State College Council of Presidents regarding how bargaining will proceed. The parties will simultaneously exchange comprehensive proposals and management will not include any "deal breaker" language proposals. MSCA agreed not to hold any picketing, leafleting, boycotts or similar activities until April 28th, nor to picket, boycott or otherwise disrupt graduations. MSCA reserves the right to inform the public and its members regarding the status of negotiations.

April 29th is Founder's Day at the UMass Amherst campus. Governor Patrick is scheduled to speak at 11:30 a.m. MSCA is planning to join with the Massachusetts Society of Professors (MSP) – the union that represents the UMass faculty and librarians – and other higher education unions in an event that day.

On May 1st Governor Patrick will be speaking before the Greater Boston Chamber of Commerce at the Westin Copley Place. MSCA is planning to post banners, distribute leaflets and wear buttons and stickers outside the hotel that morning from 7:30 to 9:00 a.m.

The team remains committed to reach a fair contract with equitable pay increases by the expiration of the current agreement – June 30, 2008 – but will not settle just to meet this deadline.

<u>Member</u>	<u>Chapter</u>	<u>Alternate</u>
Glenn Pavlicek	Bridgewater	Jean Stonehouse
Ann Mrvica	Fitchburg	Michael Turk
Sue Dargan	Framingham	Robert Donohue
Sam Schlosberg	Mass Art	Nancy Cusack
Len Paolillo	MCLA	Deb Foss
C. J. O'Donnell	Mass Maritime	Joe Murphy

Amy Everitt	Salem	Maggie Vaughan
Cheryl Stanley	Westfield	Gary Merlo
Dan Shartin	Worcester	Anne Falke
Pat Markunas	MSCA President	
Donna Sirutis	MTA Consultant	

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

A brief report was made by Chair O'Donnell. It was noted that bargaining for DGCE would begin next summer, in 2009.

Elections Committee – Deborah Foss

The 2008 Election of MSCA Officers cycle began in the fall of 2007. The MSCA Board of Directors adopted the Election Rules and Calendar and approved the Labor guild as vendor on November 2, 2007. Four MSCA members requested nomination papers after November 1st. All four returned their papers by the January 2008 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. At its February meeting the MSCA Board amended the Election Rules to make campus forums optional (given the fact that there were no contested races). One campus chose to hold a forum and its scheduling was facilitated by Chair Foss. The ballot, instructions and envelopes were prepared by the Labor Guild and mailed on March 13th. The Labor Guild reported a minimal number of bad addresses and received requests for eight additional ballots during the voting period. No elections violations were reported during the process.

The ballot count was held at the Labor Guild on April 4, 2008. Due to MSCA Board and Bargaining Committee meetings on that day Chair Foss was the only MSCA member in attendance at the ballot count. The Labor Guild reported that 509 ballots had been returned. Two ballots were set aside and not counted as they were received in the same envelope. There was no obliteration or masking of control numbers on the outer envelopes of any returned ballots. A total of 507 ballots were counted with the following results:

Office/Candidate	Votes received	Write-in Votes	Blank Ballots
President: C.J. O'Donnell *	469	8	30
Vice President: Amy Everitt *	475	5	27
Secretary: Nancy George *	481	2	24
Treasurer: Glenn Pavlicek *	469	3	35

*elected

No written challenges were received by the April 10, 2008 deadline. The Labor Guild certified the results on April 17, 2008. A copy of this report was attached to Chair Foss' written report.

In summary, the 2008 election of MSCA officers was conducted in accordance with the Election Rules and Calendar. It was, Chair Foss believes, an inclusive and transparent process. Even though there were no contested races, conducting the election places substantial demands on individuals and offices. The success of the process is due to the cooperation, coordination, good humor and patience of many people. Chair Foss expressed her sincere gratitude to the certified candidates, President Markunas, chapter presidents, members of the MSCA Elections Committee, Glenn Pavlicek and the MSCA Treasurer's staff, Susan McCarthy (communications) and Christine Melin (MSCA President's office) for their assistance and cooperation throughout this academic year.

Grievance Committee - Margaret Vaughan

Status Report on Grievances:

During the last year (July 2007—June 2008), the MSCA Grievance Committee recommended sending 22 grievances to mediation/arbitration.

- Ten deal with promotion denial;
- One thus far deals with tenure denial;
- Two relate to DGCE matters (i.e., preliminary schedules not provided, and a unilateral change in compensation for fieldwork supervision);
- Three relate to post-tenure review;
- Two address library issues (i.e., culling reference books without consultation, and library compensatory time);
- One addresses removal of a program-area director;
- One covers a grade change made by an administrator;
- One addresses tenure-committee violations; and finally,
- One is a consolidated grievance covering post-tenure review —year one violations.

Status Report on Consolidated Grievances:

Five consolidated grievances remain active:

- Two grievances, won in 2004, still linger. One addresses the 15% rule for part-time faculty. Recent data received from management indicate that 35 departments are not meeting the contractual requirement. Bridgewater State and Salem State continue to show many departments well above 15%, especially in the areas of English and history. The second consolidated grievance from 2004 addressed the number of full-time faculty carrying an excess workload of 3 or more credits. Again, the worst offenders seem to come from Bridgewater and Salem. Nonetheless, progress is being made.
- Two consolidated grievances address post-tenure review violations, one for year one, one for year two. The year-one grievance is headed to arbitration. While some of the

violations were corrected/resolved at various ERC meetings, a few issues remain (e.g., misuse of student evaluations, requiring college-wide activities). The second grievance was heard at Step in the fall of 2007 but we still await a response from the chair of the COP. The MSCA Grievance Committee will decide at its next meet how it wishes to proceed.

The third consolidated grievance involving post-tenure review has been withdrawn. We suffered a loss at Step II and at the Committee's March meeting it was decided to table the grievance until it could be determined if any faculty members would benefit if this grievance were arbitrated the grievance and won. It was a long shot, but because one College was unable to make the deadlines, MSCA argued that the remaining eight Colleges should allow faculty members who received less than 6% additional time to appeal their rating too. Last week management asked us to withdraw the grievance as part of a package hammered out at the bargaining table. The Committee agreed.

- One final consolidated grievance, filed in 2006-2007, addresses faculty appointments granted to academic administrators. Since a Worcester Chapter grievance was also filed covering this issue and has already been arbitrated, we have decided to wait for the ruling to determine the necessity of scheduling the related consolidated grievance.

Status Report on Mediation/Arbitration:

Nine mediations were scheduled for the 2007-2008 year. Two were canceled, and two have yet to be held (May and June, 2008). Of the five scheduled and heard, three were resolved. Two remain open and, in all likelihood, will be scheduled for arbitration. A point worth noting here is that of the nine mediation sessions scheduled this year, all covered grievances that were sent to mediation by the Grievance Committee June 12, 2007 or later. In other words, the backlog that plagued MSCA for so long is gone.

Given the success with mediation, not many arbitrations were scheduled. Only one arbitration was heard last year, which dealt with faculty appointments granted to academic administrators at Worcester State.

This upcoming year will probably involve more arbitrations. MSCA is interested in pursuing various issues related to post-tenure review violations and the two grievances that were not resolved this year as a function of mediation.

Acknowledgments:

Members of the MSCA Grievance Committee were thanked for their help and support as chapter grievance officers for the state colleges: Sandra Faiman-Silva (Bridgewater), Glenda Ouellette & Rene Reeves, (Fitchburg), John Ambacher (Framingham), Sam Schlosberg (MCA), Dana Rapp (MCLA), Joseph Murphy (MMA), Gregg Neikirk (Westfield), and Anne Falke (Worcester).

A special thank you goes to Bob Whalen, who has returned to help with DGCE matters. In fact, he never really left, which was good news for MSCA. Donna Sirutis also deserves thanks. Each year yet another important aspect of Donna's hard-working style is discovered and this year is no

different. Only a few weeks ago it was realized that her months and years of persistence on one issue or another eventually pays off. She doesn't give up. It's her diligence that brings much needed relief to our grievants. She is a constant teacher and a delight to work with.

The attorneys and staff at MTA also deserve a special thank you. When legal help has been needed, be assured that MTA has taken good care of us. They make us all look good.

Finally, a thank you was given to Mary Buckley, who has been invaluable in organizing the state office. Grievance Chair Vaughan stated she couldn't do her job without her.

Legislation Committee - Bob Bence

No report submitted.

Librarians Committee - Nancy George

Committee Membership:

The committee membership included the following MSCA members: Richard Clare (Framingham), Nancy George (Salem), David Lanston (MCLA), Sara Marks (Fitchburg), Richard McElroy (Mass Art), Pam McKay (Worcester), Jean Stonehouse (Bridgewater), Signia Warner (Westfield). President Markunas served as an ex-officio member and Nancy George served as chair of the committee.

Nancy George represented the committee at MSCA Board meetings and in librarian-related discussions with other Board members.

Activities:

Throughout the year the committee communicated using email, phone, US mail, and a private wiki for committee communications, which was developed by Nancy George. The wiki was further developed by other committee members including Sara Marks.

The committee came up with desired language changes for the day contract proposal. These were submitted to the chair of the Day Bargaining Committee for inclusion in the day contract proposal.

At meetings, future initiatives were planned including potential involvement in MCCLPHEI, and a librarian/library-related survey. In addition, general discussions at meetings included those relating to librarians' workloads, administrators, salaries, and libraries' poor physical conditions (including the closure of the Salem State College Library).

Salary Database Committee - C.J. O'Donnell

The MSCA Salary Database is used for a multitude of purposes related to the review and monitoring of full-time faculty and librarian salaries resulting in the recouping of thousands of dollars in back salary for a number of members. This year the database was used to:

- verify and correct salary increases dating as far back as December 2000 (ongoing),
- verify and correct the longevity share increases that were part of the 2007-2008 agreement (ongoing),
- verify and correct salaries after promotion increases were applied (ongoing),
- verify that each college spent the minimum required 0.5% of the unit payroll for PTR,
- verify the professional development pools,
- assist the Day Bargaining Committee craft its economic proposal for bargaining, and
- help settle a number of grievances.

The committee is funded via a stipend from MTA which covers the expenses related to maintaining the database, allowing MSCA to maintain this valuable tool at no cost to the MSCA.

<u>Member</u>	<u>Chapter</u>
Glenn Pavlicek	Bridgewater
Ann Mrvica	Fitchburg
Deb Foss	MCLA
C. J. O'Donnell	Mass Maritime
Pat Markunas	Salem
Anne Falke	Worcester

Massachusetts Teachers Association - Reports

MTA Director - Leonard Paolillo; Presented by Bill Spezeski, MCLA

OVERVIEW

There is never a dull moment in Massachusetts with regard to our future. Last year at this time, most felt that we were going to see brighter times ahead for those of us in public higher education. The prognosis for the coming year is uncertainty. We are facing a downturn in our economy with foreclosures up, an increasing debt burden for most Americans, rising gas prices and increasing unemployment.

As this was written, the Massachusetts House of Representatives was preparing to debate the budget for the '09 fiscal year. This will take place on Monday, April 28th. Although tax revenues for the Commonwealth were up significantly (about \$772 million above original projections) for the year through March, the numbers for April are not yet in. Most analysts are pegging the state government's structural deficit for fiscal '09 to be \$1.3 billion dollars.

The House Ways and Means Committee has released its budget. Following the governor's lead, they propose only slight increases in our state colleges' budgets. Also, their proposal includes the drastic increase in our health care premiums. For those of us hired before 7/1/03 and making

\$50,000 or more our share of the premium goes from 15% to 25% which is an increase of 66 2/3%. For those hired before 7/1/03 and making \$35,000 or more their share of the premium goes from 15% to 20% which is an increase of 33 1/3%. MTA is supporting Rep. Marty Walsh's amendment to keep our health care costs at their current levels. MTA, working in a coalition with other state employee unions, has obtained over 100 legislative co-sponsors for the Walsh amendment. In addition, Therese Murray, the Senate President, has stated publicly that she is against increasing state employee health care premium costs.

Another looming issue that is facing us is the attempt by Carla Howell and her limited government coalition to repeal the state's income tax. To most of us this is a ludicrous proposal as it reduces state revenues by 40% but it will be on November's ballot having gotten well over the requisite number of signatures needed for ballot access. Last time this measure was on the ballot 44% of the electorate voted for it. MTA will be working side by side with other unions and organizations to defeat this in November.

All MTA higher education units are working to:

- Increase funding to our institutions.
- Increase state revenues.
- Fund future contracts.
- Keep our health care costs affordable.
- Provide health care benefits and pension benefits to part-timers.

ISSUES & ACTIVITIES

- In the Spring and Summer of 2007, the then MTA Executive Director-Treasurer Ed Sullivan (retired as of March 1, 2008) played a significant role in securing the settlement of MSCA's one year contract.
- In the Fall of 2008, MTA launched an investigation into the legal sufficiency of the signatures needed for Carla Howell's initiative petition that would repeal the state's income tax. Unfortunately, we were not successful but MTA will be working side by side with other unions and organizations to defeat this catastrophic measure.
- In November 2007, MTA sponsored a Higher Education Retreat held at the Crowne Plaza in Natick to coordinate bargaining strategies among MTA's higher education units.
- In December 2007, MTA lobbyists working with the higher education units secured passage of our collective bargaining agreements. The governor signed the agreements on January 4, 2008.
- In January 2008, the Higher Education Leadership Council (HELIC) sent a letter to the governor asking him for a meeting and urging his administration to set fair and equitable economic parameters for the next round of collective bargaining negotiations.

- In February 2008, legislation that would create a state university system was referred to a study committee.
- In March 2008, MTA provided postcards to all its higher education members requesting them to send the postcards to their respective legislators with the message of joining Rep. Marty Walsh in his efforts to keep health care premium costs at their current levels.
- In March, 2008, MTA President Anne Wass arranged for higher education union leaders, including MSCA President Pat Markunas, to meet with the governor's Chief of Staff, Doug Rubin, to urge him to press for a more favorable approach to this round of bargaining than we saw last year. (The meeting was held on April 3, 2008.)
- This month, the MTA provided postcards to all its members requesting them to send the postcards to their respective legislators and Speaker of the House DiMasi urging them to keep state employee health care costs at their current levels as well as telling them that our PreK-12 members should have the right to bargain whether or not they enroll in GIC.
- The MTA plans to hold a statewide meeting for local affiliate presidents on May 31st to begin mobilizing to defeat Carla Howell's ballot item in November.
- MTA continues to support NEA's efforts to repeal the social security offsets. In fact, MTA and your MTA Director played a part in getting Sen. John Kerry to hold a hearing on the issue in November.
- At its last 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 \$37,473,551 and an operating budget dues level of \$397, based on 81,500 full-time equivalent active members for the 2008-2009 fiscal year.

To recommend to the Annual Meeting of Delegates, the adoption of the Public Relations/Organizing Campaign budget of \$2,445,000 and a public relations/organizing campaign dues level of \$30 based on 81,500 full-time equivalent active members for the 2008-2009 fiscal year.

Unless the delegates to the Annual Meeting change these numbers, there will be a \$24.00 dues increase for next year.

BHE/MTA Health and Welfare Trust - Glenn Pavlicek

The BHE/MTA Health and Welfare Trust supervises the dental plan for the higher education units under the MTA. There are six trustees from labor and six trustees from management. Treasurer Glenn Pavlicek serves as a trustee on the trust. Treasurer Pavlicek noted that benefits have decreased due to an increase in costs of dental care. The Trust will try to increase the benefits, by an increase in funding by the state is needed for this to happen.

Final Report of the Credentials Committee

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the final Credentials Committee Report: 36 registered delegates, 10 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

President Markunas thanked outgoing Worcester Chapter President, Dan Shartin, for his service to the MSCA. It was noted that Dan Shartin has been a tremendous asset on the Board and Bargaining Committee and that his quick wit and sense of humor at meetings will be missed. President Markunas presented him with a certificate of appreciation.

President Markunas thanked outgoing Framingham Chapter President John Ambacher, who could not attend the Delegate Assembly. In addition to being Chapter President, John Ambacher was a long-time chapter grievance officer. His level-headed approach to issues and ability to cut through controversy were much appreciated by President Markunas. A certificate of appreciation will be sent to him.

Adjournment

The meeting adjourned at 12:04 p.m.

Respectfully submitted,
Nancy George
MSCA Secretary