

**Massachusetts State College Association
Delegate Assembly
April 25, 2009
Worcester State College**

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

President O'Donnell introduced the MSCA officers, Amy Everitt, Glenn Pavlicek, Nancy George; Catherine Schwenk, the Parliamentarian; Katherine Pomeroy, the Recorder; Interim Vice President, Dr. Maureen Shamgochian, Worcester State College; and from the MTA, Donna Sirutis. Special thanks went to Roberta Govoni for her work in making the arrangements for this meeting and help at registration; and Anne Falke and Melissa Moore 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.

Worcester State College Interim Vice President Dr. Maureen Shamgochian delivered greetings to the Assembly on behalf of Worcester State College.

Prof. Anne Falke delivered the welcoming comments to the Assembly on behalf of the Worcester/MSCA Chapter.

First Report of the Credentials Committee:

Ann Mvrica, Fitchburg/MSCA Chapter, delivered the first Credentials Committee Report: 22 registered delegates, 7 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 26, 2008 Delegate Assembly Minutes. The motion passed.

MSCA Officers' Reports

President's Report – C.J. O'Donnell

“I would like to open by expressing what an honor it has been to serve as President of the Massachusetts State College Association these first eleven months and to express my enthusiasm for the year ahead. I have found the job to be challenging, but incredibly rewarding.

As an organization we have had some significant accomplishments this year, particularly in light of the fact that the state is experiencing the worst economic downturn in the MSCA's 29-year

history. Chief among our accomplishments was reaching a tentative agreement on a multi-year collective bargaining agreement for the day unit on April 7th. A ratification vote will take place in May.

Although the tentative agreement includes no across the board salary or stipend increases for fiscal year 2009, no statewide union in negotiations with the Executive branch this year was able to secure an across the board increase for FY 2009. Our pay package, as best we can determine at this point, is the largest percentage increase among all unions that have settled their contracts with the Executive branch this year.

A tremendous amount of work took place behind the scenes. On behalf of the MSCA, I thank MTA Consultant for the day unit **Donna Sirutis** and Bargaining Committee Chairperson **Dan Shartin** for their hard work and determination in reaching a settlement. Thanks also to each member and alternate of the Bargaining Committee for their time, commitment and perseverance. Negotiations are quite often tedious and demanding on the members who sit at the table for countless hours over many months. This round was no less arduous.

As you know, **Governor Patrick** did not pre-authorize a financial offer for any statewide unions until September 2008. The offer was made after eleven MTA-affiliated unions filed unfair labor practice charges over the refusal of the Board of Higher Education and UMass Board of Trustees to bargain over financial items. The MSCA took the lead as the first to file and worked to convince other unions to file in the ensuing weeks. The Division of Labor Relations has since issued a complaint, meaning that there is probably cause to believe that the BHE (and UMass Board) has violated the law. The MSCA won a similar charge in the mid-1990's and expects to be successful this time as well.

We are in the early stages of negotiations on a successor DGCE agreement. The current agreement is set to expire on August 31st. The DGCE Bargaining Committee has posted an online bargaining survey that will be closing this week. I ask you to urge members to participate in the survey. I look forward to working with MTA Consultant for the DGCE unit **Bob Whalen** and DGCE Bargaining Committee Chairperson **Sue Dargan** this spring and summer.

Once again we face perennial challenges in the Legislature. Governor Patrick included in his proposed budget for FY 2010 a provision whereby state employees pay 15%, 20% or 25% of their health insurance premiums based on the employee's salary. Even worse, House Ways & Means released their proposed budget earlier this month and included a provision that raises the employee health care premium contribution to 30% regardless of salary. **Rep. Marty Walsh** has filed an amendment to the House budget that would restore the percentages to the current level. His amendment has more than 80 cosponsors. The House will take up amendments starting next week and we will be calling on members to contact their representatives on a number of issues, health insurance premiums among them. We will keep an eye on the Senate budget as well when released in May.

Unfortunately, the dire financial circumstances that the state continues to face will make it nearly impossible to pass significant cost items, such as the establishment of health insurance and

retirement benefits for part-time faculty. The MTA has again filed these bills this year and the MSCA will work with MTA on passage.

Another legislative priority will be a bill re-filed by MTA to amend the state's collective bargaining law (Chapter 150E) to allow the statutory employer of record – in our case the BHE – the ability to submit cost requests for negotiated collective bargaining agreements directly to the Legislature for funding. Governors should not continue to be allowed to hold up negotiated agreements. I have joined a subgroup of MTA's Higher Education Leadership Council that will work on passage or propose alternative changes in the law that will fix a process that most unions find is not working for us.

In closing let me express my appreciation for the assistance and cooperation I have received from the other MSCA Officers, Chapter Presidents, members of the Board of Directors and MSCA Chapter and statewide staff. I continue to be impressed with the level of dedication and commitment of everyone involved in the organization.

Thank you.”

Vice President's Report – Amy Everitt

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

Vice President Everitt gave delegates an overview of her activities in the past year. Over the past year, Vice President Everitt has played a supportive role to President O'Donnell and she has stepped in for him as needed.

Secretary's Report - Nancy George

“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, C.J. O'Donnell, typically no later than a day after each meeting.

Spring semester I supervised the nomination/election process for the 2009 NEA Representative Assembly to be held in San Diego, CA, July 1-July 6. I would like to congratulate those members who will represent the MSCA at the NEA-RA:

Ronald Colbert (Fitchburg), Gerald Concannon (MMA), Robert Coppola (Mass Art), Joseph Ebiware (MCLA), Nancy George (Salem), C.J. O'Donnell (MMA), Len Paolillo (MCLA), Charles Wellens (Fitchburg), and Edward Welsh (Westfield).

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 - 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 the dues would not increase in FY 2010.

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 2010 budget, as described in the Treasurer's Report. The motion passed.

It was moved and seconded to adopt the proposed FY 2010 dues as described in the Treasurer's Report. The motion passed.

Second Report of the Credentials Committee

Ann Mvrica, Fitchburg/MSCA Chapter, delivered the second Credentials Committee Report: 24 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

MSCA Committee Reports

AA/DIV/EO Committee

No report submitted.

Bargaining Committee (Day) – Dan Shartin

In the absence of Chair Shartin, President O'Donnell gave delegates a summary of the Day Bargaining activities in the past year. He noted that a tentative agreement had been reached with management and that a ratification vote would be done via U.S. mail. Ballots would be sent to members in May 6th, with the ratification count occurring May 15th.

Many thanks to the Day Bargaining Committee and Alternates as well as to the MTA Consultant, Donna Sirutis.

Bargaining Committee (DGCE) – Sue Dargan

DGCE bargaining will begin this summer. A DGCE Bargaining Survey has been posted to gather information related to members' contractual needs.

Elections Committee – Deborah Foss

No report submitted.

Grievance Committee - Margaret Vaughan

“Status Report on Grievances:

Thus far this year (July 2008—June 2009), the MSCA Grievance Committee voted to send 23 grievances to mediation/arbitration.

- Seven involve non-reappointment;
- Four involve loss of part-time teaching assignments, day and DGCE;
- Three are consolidated grievances: two cover post-tenure review years two and three, and one deals with the definition of academic appointments;
- Three relate to college or departmental policies that violate sections of the collective bargaining agreement;
- Two involve improper evaluations/not following contractual evaluation procedures;
- One involves a unit member not being given “added consideration” for a full-time tenure-track position;
- One involves a case of academic freedom;
- One covers sabbatical denials; and
- One covers sick leave benefits.

Status Report on Consolidated Grievances:

Six consolidated grievances remain active:

While two of these grievances were won in 2004 problems remain. The biggest challenge we face is the 15% rule for part-time faculty. The most recent data received from management indicates that the problem persists. Bridgewater has 12 departments showing the number of three-credit courses taught by part-time faculty exceeding 15%, Framingham four departments, MCLA three departments, Westfield three departments, and Salem seven departments. As you may know, an unfair labor practice was filed over this matter with the Mass. Division of Labor Relations. We will keep you posted.

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, with many chairs not taking advantage of their reduced-teaching load.

In addition to the first consolidated grievance on post-tenure review, currently at arbitration, the MSCA Grievance Committee has recently voted to send to arbitration the consolidated grievances for years two and three as well.

Finally, we have one consolidated grievance that addresses colleges appointing administrators as “academic administrators,” which contractually allows an administrator six years to take up a faculty position with tenure in a particular academic department at the college.

Status Report on Mediation/Arbitration:

We have only had one arbitration initiated this year and are waiting to schedule the second hearing date. The topic: post-tenure review—year one. I am hopeful that there will be more to report on this important topic at the next delegate assembly.

Mediations are typically held on the first Monday of each month during the academic year. Weather and illness has led to a few cancellations, but, in general, the process has worked well. The collective bargaining agreement states that two grievances will be heard at each session but this has proven to be difficult. Nonetheless, we have had two grievants' complaints heard during a one-day mediation session. In total, we have participated in six mediation sessions this academic year, with two more scheduled in May and June. Of the 11 grievances heard at these sessions, six have settled and three are very likely to settle.

Acknowledgments:

I wish to thank the members of the MSCA Grievance Committee for their work as chapter grievance officers for the state colleges:

Sandra Faiman-Silva, Bridgewater
Glenda Ouellette, Fitchburg
Robert Donohue, Framingham
David Nolta, MCA
Dana Rapp, MCLA
Joseph Murphy, MMA
Gregg Neikirk, Westfield
Penny Martin, Worcester

- Donna Sirutis also deserves our thanks once again. She is, of course, priceless.
- And thank you to Chris Melin and Mary Buckley who have been invaluable in managing the state grievance office.”

Legislation Committee – Ken Haar

No report submitted.

Librarians Committee - Nancy George

Written report submitted.

Massachusetts Teachers Association - Reports

MTA Director – Ron Colbert

I have represented our faculty and librarians in Region 45-H of the Massachusetts Teachers Association (“MTA”) during the 2008-2009 academic year with the cooperation and support of the MSCA Executive Board, the Fitchburg State College Executive Board, and my fellow members of the MTA Board of Directors.

The MTA Board of Directors met on the following weekends: August 2-3, 2008, October 17-18, 2008, November 5-6, 2008, January 30-31, 2009, and March 20-21, 2009. It will hold its final meeting of the year on June 19 and 20, 2009, and Board members will fully participate in the MTA Annual Meeting on May 1 and 2, 2009 in Boston. The Board participated in a special meeting with Governor Duval Patrick on January 8, 2009. As your MTA representative, I also rotate attendance at the monthly MSCA Executive Board meetings and the monthly meetings of the Higher Education Leadership Council (HELIC).

The MTA's leadership and Board of Directors have succeeded in achieving a number of important goals relating to public education in the Commonwealth of Massachusetts. In addition, the Board continues to focus on the strategic plan for guiding MTA leadership in continuously improving conditions for MTA's 83,916 members.

The MTA continues to advocate for public primary, secondary, and higher education by seeking provisions for high-quality educational experiences in supportive and safe environments. MTA educators remain committed to raising student achievement by implementing meaningful performance standards and providing adequate resources for educators. New recommendations for underperforming schools are currently under development, and the MTA is actively working to implement changes in policy, structures, processes, and practices within these schools.

Educators and administrators in all levels of public education continue to face enormous challenges in their efforts to grapple with the realities of the economic downturn. What I have witnessed during this fledgling year is that the MTA Board members understand that the myriad competing needs and limited resources of their own municipalities are not the only challenges facing the MTA. They fully understand both the need for and reasoning behind the budgetary restraints placed on our institutions of higher education. Almost every regional Board member is facing similar fiscal challenges.

With this in mind, Board members are continually apprised of the operational and capital expenses of the MTA. MTA staffers provide the full Board with detailed analyses of the MTA's financial condition. The Board has discussed the seriousness of the effects of the MTA's membership counts on its operating budgets. Compensation packages for MTA employees have been discussed and recommended. The coming year promises to be challenging for the MTA in budgetary matters. State and local tax revenues, stimulus funds, and employee retention will be major factors in budgeting and operations decisions. The members will be voting on budgetary action items at the Annual Meeting.

The MTA's major agenda item for Fall 2008 was to defeat Question #1, the Income Tax Repeal Initiative. This effort was met with a very favorable outcome, as seventy percent of voters turned down the initiative. All Board members were involved in this public relations campaign in some capacity. Letters, phone banks, lawn signs, buttons, palm cards, rally signs, bumper stickers, lapel stickers, campaign fliers, television, radio, and web sites were promoted and disseminated throughout the Commonwealth. A number of jumpstart meetings were held, and a special coalition was formed to spearhead the campaign.

The issues facing our public education system will continue to require renewed support for MTA public relations and organized campaign efforts. Persistence and funding will be required in order for the MTA to achieve favorable outcomes for educators' in future battles.

The results of the Massachusetts Teaching, Learning and Leading Survey received significant attention from the MTA staff and Board members. A coalition of education, government, foundation and business organizations participated in developing the survey, which focused on teaching conditions and improvement strategies for public schools. Forty thousand teachers

responded to the survey. The results of the survey can be used systematically to enhance student achievement and develop statewide legislative and regulatory agendas.

Discussions continue on the union organization of charter and private schools. Future issues surrounding these schools will relate to developing a service model for their membership in the MTA. The current membership structure of the MTA includes associate membership for private schools, including private higher education institutions. Full-membership eligibility for private “higher education” institutions continues to be debated.

In the higher education agenda, the MTA continues its work to provide reasonable funding to our institutions, to provide funding for current and future contracts, and to protect health care benefits and cost recovery for higher-education personnel.

At each Board meeting, Board members are notified of personnel updates and changes within the MTA organization. These updates are confidential in nature.

This report is only a snapshot of what took place this academic year. A compilation of MTA activities, and summaries of MTA actions and initiatives, are available on the MTA website.

I am grateful to my MSCA colleagues for allowing me to represent you as we move forward during these difficult times. I remain committed to serving Region 45-H.

Respectfully submitted to MSCA Delegate Assembly.

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 stated the benefits for the dental plan have increased to \$1,000 per person for allowable benefits. A vision discount plan has also been added this year. In order for an increase in dental benefits to occur, state contributions would need to be doubled. It was noted that temporary full-time faculty are eligible for COBRA coverage, 35% of cost for nine months, if they had an involuntary separation from their employer between 9/1/2008 and 12/31/2009. The remaining 65% of coverage is paid for by the federal government. These individuals should be directed to human resources to fill out the appropriate paperwork for this program.

Final Report of the Credentials Committee

Ann Mvrica, Fitchburg/MSCA Chapter, delivered the final Credentials Committee Report: 24 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

A delegate asked for an update on opting out of the optional retirement plan. She briefly described how the current economic downturn has wreaked havoc on her optional retirement plan. President O'Donnell stated that this is a legislative issue, not a bargaining issue. A bill has been filed with the legislature.

The following resolution was moved and seconded: to support legislation to allow state employees currently enrolled in the optional retirement plan to opt out of the plan and join or rejoin the State Retirement Plan. The resolution passed.

A delegate asked whether the unavailability of health insurance for the first two months of employment was a bargaining or legislative issue. President O'Donnell stated it is a legislative issue.

The possible establishment of an at-large ESP position on the MTA Executive Board was brought up by a delegate. Discussion followed.

Adjournment

The meeting adjourned at 12:15 p.m.

Respectfully submitted,
Nancy George
MSCA Secretary