

**MSCA Board of Directors Meeting
Minutes of the Regular Meeting
September 4, 2009
Framingham State College**

Present: Aldrich, Concannon, Coppola, Dargan, Donohue, Everitt, Falke, George, Goodlett, Haar, O'Donnell, Pavlicek, Rapp, Shea, Schlosberg, Stonehouse

Guests: Ron Colbert (Fitchburg), Donna Sirutis (MTA)

Approval of the Orders of the Day and the Minutes

It was moved and seconded to approve the orders of the day.

It was moved and seconded to amend the orders of the day and move the discussion of *PHENOM* to after the MTA Reports and before the Chapter President's Reports. The motion passed.

The original motion passed as amended.

It was moved and seconded to approve the minutes of the June 5, 2009 meeting.

It was moved and seconded to amend the minutes to change the wording of the Fitchburg Chapter President's Report to read (additions in **BOLD**, deletions indicated with []):

“The chapter is collecting data on the number of faculty, students, and money used, for a 12 year period of time. These numbers are being used to help [ensure the number of faculty stays the same] **prevent a further deterioration of workload conditions**. The number of faculty at Fitchburg has decreased by 16% while the number of students has increased by 27%.

The motion passed.

The original motion passed as amended.

MSCA Officers' Reports:

President – C.J. O'Donnell

Committee Appointments

It was moved and seconded to approve the following committee nominations for the following committees: DGCE Bargaining Committee Alternate, Gary Merlo (Westfield); and Librarians Committee, Brian Hubbard (Westfield). The motion passed.

Day Contract Update

The funding request was sent to Governor Patrick on July 22nd. The request has not been submitted to the Legislature at this point. President O'Donnell had no reason to believe that the governor will not submit the funding request. The rumors about problems with passage of contracts in the legislature have stopped. The latest word is that the agreements will likely be funded, but then the colleges are likely to see 9C cuts later in the fall.

Donna Sirutis, Dan Shartin and President O'Donnell worked throughout the summer with Mark Peters on reviewing drafts of the 2009-2012 day agreement. They are in the final stages and President O'Donnell helps the document will be ready for initials and signing within the next two weeks. A date for the signing ceremony has not been set, but they are planning such a ceremony.

A date has been set for the contract orientation meeting: Friday, October 9th in the Forum at Framingham State. As per the agreement, Chapter Presidents are invited and each may bring one member with them. It may be valuable to have the Grievance Officer there.

Deschamps Printing Company will print 2000 copies of the day contract once it is ready. Their bid was lower than what we paid a different vendor for the same number of copies of the 2004-2007 agreement. Copies will be shipped directly to each campus. Chapter presidents need to tell President O'Donnell how many copies they would like shipped.

DGCE Bargaining Update

MTA Consultant Beth Boyer and DGCE Bargaining Committee chair Sue Dargan worked throughout the summer to secure an agreement prior to the August 31st expiration of the current agreement. The Presidents' last economic offer was insufficient and the team decided to ask for mediation. A petition was filed with the Board of Conciliation and Arbitration on August 26th. The Board will be posted as mediation proceeds.

Legislative Update

COP Executive Officer Fred Clark and President O'Donnell met with a staff member of the Joint Committee on Higher Education on July 9th to discuss the sabbatical repeal bill (H1170). Fred Clark and President O'Donnell will be meeting with the Senate Chair, Anthony Galluccio, on September 10th to discuss the bill directly with him. The bill will be heard on September 29th. They have not heard of any problems with the bill being reported out favorably, but President O'Donnell will keep the Board posted.

A number of members on the committee have State Colleges in or near their district. President O'Donnell may put out a call for members to contact members of the committee after their meeting on September 29th.

A bill to allow members of the Optional Retirement Program (ORP) to switch, or switch back, to the State Employee Retirement System will be heard before the Joint Committee on Public Service on September 21st. Recall that the MSCA Delegate Assembly voted to support such legislation. The MSCA Board should get MSCA members there to tell their story. Please ask your members if any would like to testify in support of the bill.

Department Chair's Handbook

The long awaited, much anticipated, first-edition of the Department Chair's Handbook is waiting for the 2009-2012 agreement to be finalized in order to update page references to it rather than the 2004-2007 agreement and August 27, 2008 Memorandum of Agreement (the one-year contract extension). President O'Donnell hopes this will be out very early in October. Vice President Brad Lima from Mass. Maritime updated the list of department chairs this week.

Vice President – Amy Everitt

Vice President Everitt attended the MTA Leadership Forum in Lynnfield recently. She found the event to be interesting and informative although it was focused on K-12 and not higher education. A higher education leadership form, sponsored by the MTA, is being planned for November 20 and 21, location to be determined.

Secretary - Nancy George

No report.

Treasurer - Glenn Pavlicek

MSCA Monthly Expenses

Treasurer Pavlicek distributed and reviewed the MSCA Monthly Expenses for 2009-2010.

Conflict of Interest and Whistleblower Policies

Treasurer Pavlicek briefly reviewed the complexity of the MSCA's 990 federal tax form. To comply with federal tax laws, we need to have conflict of interest and whistleblower policies for MSCA officials on file by October/November 2009. Prior to the meeting, President O'Donnell distributed draft copies of the policies to Board members. In addition, during the meeting, Treasurer Pavlicek distributed hard copies of the conflict of interest and whistleblower policies to Board members.

It was moved and seconded to waive the seven-day notice regarding the distribution of the Conflict of Interest and Whistleblower draft policies. The motion passed.

It was moved and seconded to approve the Conflict of Interest Policy as distributed.

It was moved and seconded to amend the Conflict of Interest Policy to modify the wording in the following sections (additions in **BOLD**, deletions indicated with []):

IV. IMPLEMENTATION PROCEDURE, B. 2.

If the MSCA official disagrees, in whole or in part, with the opinion or the proposed remedy of the CI Officer, he or she may appeal to the MSCA Board of Directors by filing a written notice of appeal with the MSCA President within ten

(10) calendar days after receiving the opinion of the CI Officer. The MSCA Board of Directors shall decide the appeal as soon as practicable. The MSCA official shall not be present during the deliberations **and vote** by the Board of Directors regarding the appeal. The decision of the MSCA Board of Directors shall be final and binding. The MSCA official shall comply with the opinion of the CI Officer pending the outcome of his or her appeal to the Board of Directors.

IV. IMPLEMENTATION PROCEDURE, C. 3.

If the MSCA official disagrees, in whole or in part, with the opinion or the proposed remedy of the CI Officer, he or she may appeal to the MSCA Board of Directors by filing a written notice of appeal with the MSCA President within ten (10) calendar days after receiving the opinion of the CI Officer. The MSCA Board of Directors shall decide the appeal as soon as practicable. The MSCA official shall not be present during the deliberations **and vote** by the Board of Directors regarding the appeal. The decision of the MSCA Board of Directors shall be final and binding. The MSCA official shall comply with the opinion of the CI Officer pending the outcome of his or her appeal to the Board of Directors.

The motion passed.

The original motion passed as amended.

It was moved and seconded to approve the Whistleblower Policy as distributed.

It was moved and seconded to amend the Whistleblower Policy to modify the wording in the following sections (additions in **BOLD**, deletions indicated with []):

III. NOTIFYING MSCA OF ALLEGED MISCONDUCT, C.

The Board, or its designee, shall conduct an expeditious investigation of the alleged misconduct. The MSCA official shall not be present during the Board's deliberations **and vote** regarding the allegation. The Board shall submit to the WB Officer a written opinion setting forth its conclusions as to whether the MSCA official has engaged, is engaged or is about to engage in misconduct, and, if so, how to correct the situation.

V. MISCELLANEOUS, D.

If an allegation of misconduct is made against the WB Officer or a member of the MSCA Board of Directors, the matter shall be dealt with by those members of the MSCA Board of Directors who have not had said allegation made against them. The MSCA official against whom the allegation is made shall not be present during the Board's deliberations **and vote** regarding the allegation.

The motion passed.

It was moved and seconded to amend the document to remove the signing statement. The motion passed.

The original motion passed as amended.

Other Items

A letter was erroneously sent from MTA to Chapter Treasurers regarding reimbursement of bargaining expenses. Treasurer Pavlicek requested that chapters disregard this letter.

Treasurer Pavlicek distributed a chart with the number of agency fee and union dues paying members from each campus. It was noted that one of the many benefits of MSCA membership is that part-time MSCA members experiencing difficulties receiving unemployment benefits, may get assistance from the MTA in this area.

Treasurer Pavlicek will be putting together, for the MSCA web page, a FAQ on union dues.

Treasurer Pavlicek recommended that chapters have internal audits to protect chapters' finances.

MSCA Committee Reports

Day Bargaining – Dan Shartin

Not present; information was covered in MSCA President's Report

DGCE Bargaining – Susan Dargan

It was moved and seconded to go into executive session. The motion passed.

It was moved and seconded to come out of executive session. The motion passed.

MTA Reports

Day Bargaining Unit – Donna Sirutis

H4181 and Healthcare Contribution Program

Consultant Sirutis distributed information on H4181 and Healthcare Contribution Program. A review was made of this information by Consultant Sirutis. Discussion followed.

“Notice to Employees” Flyer

Consultant Sirutis distributed the “Notice to Employees” flyer regarding the Labor Relations charge filed by the MSCA. These “Notice to Employees” flyers should be posted on all campuses, where “employees usually congregate and where notices to employees are customarily posted.”

Academic Administrators

Consultant Sirutis requested that when chapter presidents receive listings of academic administrators are on their campuses, that a copy of such listing be sent to her. Discussion followed.

Appendix Q and Appendix O

Appendix Q and O are due by the end of October.

Pension Reform Legislation

It was moved and seconded to go into executive session. The motion passed.

It was moved and seconded to come out of executive session. The motion passed.

DGCE Bargaining – Beth Boyer (for Bob Whalen)

Not present; information covered in the DGCE Bargaining Committee report.

Director – Ron Colbert

The MTA Board met on August 1st and 2nd in Williamstown. The Board participated in a retreat facilitated by Wellstone, with an emphasis on political activism. There is interest in who will be the next governor (and who the MTA will endorse) and the U.S. Senate seat. Two MTA employee contracts were settled and the MTA budget was discussed. In addition, a variety of K-12 issues were also discussed by the Board. It was noted that the *MTA Today* paper versus electronic debate has not yet been resolved. Cathy Boudreau is planning the higher education leadership conference that will be held in November. The next MTA Board meeting will be in November.

PHENOM

Ken Haar

The annual PHENOM meeting was held June 6, 2009, at Springfield Technical Community College. The annual meeting was held in Springfield because the state's Democratic convention was held in Springfield that weekend. An up-to-date listing of PHENOM Board members and a calendar of events were distributed.

PHENOM filed a federal complaint against the Patrick administration, claiming that state officials spent stimulus money meant for colleges and universities to bridge the state's general budget deficit. PHENOM Board members met with Congressman John Tierney recently regarding this issue. Due to this charge, and Congressman Tierney's influence, some stimulus money will be returned to higher education in FY11.

A meeting was held with Representative Garballey on September 3, 2009, to discuss the Public Higher Education Caucus. Representative Garballey is interested in helping to organize this caucus. Other individuals in the legislature are interested in the issues of public higher education.

Chapter President's Reports:

Worcester

The dialog continues between chapter leadership and the college's board of trustees regarding issues with President Ashley. A change in leadership on the college's Board of Trustees will occur in January 2010. The campus will follow federal guidelines regarding H1N1.

Westfield

Two new vice presidents were hired in June and two more were hired in August, making the total number of vice presidents on campus five. The second round of assessment of administrators is about to begin. The new portable building from Worcester State has arrived on campus and will be used for employee offices. A large program on H1N1 will be held in the near future. The campus will be following federal guidelines regarding H1N1.

Salem

There is a new Dean of Arts and Sciences on campus this semester. The Dean of Graduate Studies resigned recently; the interim dean is a faculty member. There is pandemic panic on campus, with meetings all summer on H1N1. An emphasis is being made this year on academic program review, with the book titled, *Prioritizing Academic Programs and Services*, being circulated among Salem administrators.

Mass. Maritime

Administrators at the academy wish to make flu vaccinations (both seasonal flu and H1N1) a requirement before going on the annual training cruise. A legal opinion has been requested on this issue. There is a H1N1 committee.

MCLA

There are H1N1 discussions on campus. There is a new vice president and dean of continuing education. There continue to be discussions on campus regarding a number of issues including adjuncts and the department chairs.

Mass. Art and Design

Administrative staff participated in a work furlough this summer. The president encouraged staff contributions to the college and received \$200,000 in donations. A donation drive focused on faculty will begin in the near future with a special fund set up through the college foundation for donations.

Framingham

Other than an email sent out by administration on hand-washing, not much has been discussed regarding H1N1. There are currently issues regarding non-unit members doing unit work. Mass. Bay faculty are being paid to teach Mass. Bay courses on campus. An educational company in Australia is being paid to transform Framingham State courses into an online format for Framingham State students studying in Australia.

Administrators want to remove printers from faculty offices and replace them with remote network printers. Discussion followed.

Fitchburg

This summer, three APA and three AFSCME employees were laid off. At the end of FY09 15 non-unit employees received a 2.5% retroactive (to July 1, 2008) pay increase. Of 12 sabbatical requests, five were approved; seven were placed in a fluid queue with administrators allowing subsequent sabbatical requests to displace the original requests out of the queue. (Note: a poll of chapter presidents revealed that only Fitchburg is having problems with sabbaticals.) The issue of class size and workload continues to be discussed. There was a department chairs retreat.

Regarding H1N1, a committee was set up. Hand-washing and the use of hand sanitizers are encouraged; seasonal flu vaccines will be free on campus. If the college closes in the event of an outbreak, teaching may be done online.

The chapter has revised its constitution.

Bridgewater

Opening day emphasized community involvement and volunteerism. Chapter President Stonehouse sent an email to part-time employees this summer regarding unemployment benefits and assistance from the MTA in getting such benefits.

Bridgewater hired 29 full-time MSCA positions; ten of those positions are temporary. There was a problem with losing a department chair in the summer and how to replace him. Chapter President Stonehouse will be discussing this issue with the college's upper level administration in the near future.

The meeting adjourned at 1:20 p.m.

Respectfully submitted,
Nancy George
MSCA Secretary