

**MSCA-BHE DAY UNIT  
2004-2007  
COLLECTIVE BARGAINING AGREEMENT**

**EXPLANATION OF FUNDING PROCESS  
AND  
SUMMARY OF MAJOR CHANGES**

**PART I**

In order for the economic provisions and the language changes outlined in Part II, below, to take effect, a contract funding bill must be enacted into law. The steps needed for this to happen are as follows:

1. The governor must submit a request to the legislature for an appropriation of monies to fund the contract. We are waiting for the governor to do this. On July 18<sup>th</sup> his Secretary of Administration and Finance, Eric Kriss, told Chancellor Gill and Board of Higher Education Chair Tocco that he will recommend that the governor file the funding request. As of August 29, 2005 the governor had not yet done so.
2. Once a funding bill is filed, the legislature would refer it to the House Committee on Ways and Means, which will consider adding it to a supplemental budget bill. Such a bill is planned for legislative action this fall, and will contain many items besides contract funding.
3. The supplemental budget bill must be approved by the House Committee on Ways and Means, then by the entire House, then by the Senate Committee on Ways and Means, then by the entire Senate.
4. If there are any differences between the House and Senate versions, these must be reconciled. This is done in a Joint Conference Committee. From the Conference Committee the bill must be passed by both the House and Senate.
5. The bill would then be sent to the governor for his action. The governor might sign the bill, veto the bill, or sign some items and veto others.
6. If the MSCA contract funding item is in the supplemental budget bill and is not vetoed by the governor, the contract funding would become law, and the contract changes in Part II, below, would go into effect. (Payment of the increases would not occur until some weeks after the funding bill becomes law. All pay increases will be paid retroactively to the date on which they take effect.)

7. If the governor were to veto either the entire bill or the MSCA contract funding item, we would have to lobby the legislature to override the veto. If the veto is overridden, the contract funding would become law, and the contract changes in Part II, below, would go into effect.
8. If the governor were to veto either the entire bill or the MSCA contract funding item, and we were unable to persuade the legislature to override the veto, the provisions of Part II would not be in effect. Should that happen, bargaining would most likely resume and the MSCA would be able to obtain the (non-binding) fact-finding report for fiscal year 2004.

You can see why it is not possible to predict when any of this might happen. Given that the governor has not yet filed a request for an appropriation to fund the MSCA contract as of September 1, 2005, we will be well into the 2005-2006 academic year before any funding bill could be passed.

## PART II

**The following new provisions in the 2004-2007 contract *do not go into effect until a contract funding bill is enacted into law*:**

(Numbers in parentheses in Part II and Part III are page numbers in the 2004-2007 contract.)

Article IV	Employer contribution to H&W trust fund increased to \$11/FTE/week July 1, 2006 (52)
	Open-ended leave of absence for certain academic administrators (53)
Article VI	Chair stipends increased to \$1650/semester effective Spring 2005 (67)
Article VII	Governance referendum <sup>1</sup> (72)
Article VIII	Student evaluations (99-100, 103-104)

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<sup>1</sup> After the funding bill becomes law, each campus will vote either to keep current governance or come up with a new governance system. The details of this referendum are set forth on Attachment 1 to this summary.

A modified college-wide tenure committee (119-120) [the tenure evaluation system in the 2001-2003 contract will remain in place during academic year 2005-2006]

After January 1, 2006, peer evaluations for new hires only in 2<sup>nd</sup>, 4<sup>th</sup> and (optionally) 6<sup>th</sup> years (109)

- Article VIII-C Non-grievable post-tenure review with possible salary increase<sup>2</sup> (129-141)
- Article IX Tenure evaluation in 6<sup>th</sup> year for unit members hired after January 1, 2006 (142-143)
- Article XI Exclusion of governance recommendations from arbitration (186)
- Article XII Departmental assessment of academic advising (195)
- Article XIII Minimum salary review, increases in salaries (initial pay increases effective March 1, 2005 and July 1, 2005), promotion increments, tenure degree adjustments, part-time compensation (initial increase March 1, 2005), base salary, maximum salaries (219-229)
- Article XIII-A Increases in all elements of the minimum salary formula (230-231)
- Article XX Rights to unit positions with tenure for newly hired academic administrators or unit members on leave to serve as academic administrators (261-262)

### PART III

**The following new provisions in the 2004-2007 contract go into effect and will remain in effect *regardless* of whether the contract is funded:**

- Article I Clarification of definition of terminal degree (11-13)
- Article IV Open-ended leave of absence for unit members elected to public office (53)

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<sup>2</sup> Although the new PTR procedure will not be effective until a contract funding bill is enacted into law, the parties have agreed to prepare for this procedure by carrying out the preliminary steps. These are set forth on Attachment 2 to this summary.

- Article VIII            Clarification re “higher order of quality may be required” for promotion (96; see also Article XX, 250, 257 and XX-A, 263)
- Clarification that librarians who teach Day classes will be evaluated on their teaching as are faculty (96)
- Reduction of number of evaluations of part-time faculty (97)
- Only the classroom observation (and student evaluations, if implemented) conducted during first year of employment in the unit (97)
- Peer Evaluation Committee for librarians as for faculty (111, 123)
- Reduction in number of evaluations of Chairs (116)
- Article VIII-C        Temporary hold on the post-tenure review process from the 2001-2003 contract (129)
- Article XII            Carryover of workload credits and debits from all prior years (192)
- Article XIII          Joint Salary Study Committee (229)
- Article XIV            Professional development monies (234-238)
- Article XX            Separation of promotion to associate professor from tenure process, i.e., no requirement for untenured assistant professor to be candidate for tenure if applying for promotion, and no requirement to obtain both—language deleted (notification was given to affected faculty this summer)
- Automatic promotion for instructors who obtain credentials for assistant professor (251)
- XX-A                    Automatic promotion for instructors who obtain credentials for assistant professor (256)