

Perspective

MSCA Newsletter Ben Jacques, Editor NEA/MTA/MSCA April 2005

Senate Task Force Calls for Boosting Support for State Colleges and Universities

Report Links Prosperity to Strengthening Public Higher Education

Horace Mann had the first word in the report released March 27 by the Senate Task Force on Public Higher Education. Quoting the first Massachusetts secretary of education and the founder of public education, the legislators wrote:

"Having no other mines to work, Massachusetts has mined into the human intellect; and from its limitless resources, she has won more sustaining and enduring prosperity and happiness than if she had been founded on a stratification of silver and gold."

Urging a reinvestment in human intellect, the Task Force called for a major infusion of cash —\$400 million over the next five to seven years — into the university, state, and community college campuses: money to hire faculty, fix and build new facilities, initiate innovative programs, and increase student financial aid.

Co-chaired by Senators Steven C. Panagiotakos (D- Lowell) and Stanley C. Rosenberg (D-Amherst), the Task Force cited figures MSCA members know all too well. Massachusetts ranks 47th in per-capita support for public higher education. From 2001 to 2004 Massachusetts cut its public higher education support by 32.6 percent, more than any other state, and is the only state today spending less on public

Day Contract Ratified

The results of the ratification vote on the March 1, 2005, Tentative Agreement for a collective bargaining agreement for the period July 1, 2004, through June 30, 2007, are as follows:

Yes 775
No 85
Challenged Ballots 18
Total Ballots Cast 878

According to Massachusetts General Laws Chapter 150E, Section 7(c), the Board of Higher Education must, within 30 days, submit a request for funding of the contract to the governor.

The governor then has an additional 45 days in which he may file a bill with the legislature to fund the contract.

We will keep you informed as to the progress of the contract funding process.

Thanks to all members who took the time to cast a ballot in the ratification vote, and thanks especially to those members who helped chapter presidents with balloting. Your support of the MSCA is very much appreciated.

- —Pat Markunas, MSCA President
- —Brad Art, Chairperson, MSCA Bargaining Committe

colleges and universities than it did 10 years ago. Massachusetts spends more money on its prisons than it does on public higher education.

"Massachusetts has failed to protect its position by making the key investments and policy choices the new economy demands," continues the report. "But now the Commonwealth finds itself at a moment of widespread agreement about both the need to take action and the single most important strategy for securing our competitive advantage: strengthening public higher education."

MSCA President Pat Markunas, who testified before the task force in December, attended the release of the report on Beacon Hill.

"What is most refreshing about the report is that it highlights the need for legislative support and reliable and adequate funding for the public higher education system. Too often over the past few decades, legislative oversight has amounted to short-sighted and ill-conceived reorganization proposals that did nothing to address the real needs of the system. I look forward to the legislation that will be based on the report and to the work of the new Joint Committee on Higher Education."

Recommendations

Here are some of the report's recommendations:

- Invest \$400 million over the next 5 to 7 years to fully fund campus operating budgets.
- Invest \$1.7 billion for the UMass system and \$1.2 billion for state and community colleges for capital improvements over the next 10 years.
- Create "rainy day funds" on each campus to help stabilize budgets.
- Invest \$100 million over the next 10 years for the Endowment Incentive Program to stimulate private donations.
- Invest \$150 million to develop facilities laboratories, equipment, etc.—for innovative programs.
- Provide \$20 million in matching funds for endowed professorships at UMass, focusing on science and technology.
- Increase need-based financial aid by \$24 million, and boost a range of other student aid and support programs.

The report also calls for more dollars for regional economic development programs and for additional degree and certificate programs.

Governor's Budget Dismal in Contrast

Funding for public higher education called for by the Senate Task Force is in stark contrast with the



MSCA President Pat Markunas congratulates Senator Stanley Rosenberg, co-chair of the Senate Task Force on Higher Education, for a job well-done.

FY 2006 budget proposed by Gov. Mitt Romney. Although the governor has called for a slight increase over last year, roughly 1 percent, the amount is still, when adjusted for inflation, 25 percent lower than in FY 2001.

The governor's budget also calls for increasing employee payments for health insurance to 25 percent, while earmarking no money for the two years remaining of retroactive payments for previously signed contracts with several other higher education unions.

Following the legislature's override of the governor's veto of six months worth of retroactive payments for over 12,000 higher education employees, the Senate Task Force on Public Higher Education sends a clear signal that the legislature is charting its own course.

Sixteen years ago, a blue-ribbon commission studying education and the economy in Massachusetts found the state lacking. By ignoring the potential of public higher education, and the dangers of not supporting it, the state was jeopardizing its economic and cultural future, its authors wrote.

Now, states the Senate Task Force report, "the case for world-class education is even more compelling.... We have seen major investments in public higher education in competitor states. We have watched innovators who once called Massachusetts home migrate to states with clearer strategies and better prospects. The case is clear. It is time to act."

Other members of the Senate Task Force on Public Higher Education include Sen. Robert A.
O'Leary (D-Barnstable), co-chair of the Joint Committee on Education; Sen. Robert A. Antonioni (D-Leominster); Sen. David Magnani (retired); Sen. Joan M. Menard (D-Somerset); Sen. Mark C.
Montigny (D-New Bedford) and Sen. Bruce E. Tarr (R- Gloucester).

The complete Senate Task Force report can be read online at http://www.mass.gov/legis/reports/public_higher_ed_taskforce_report.htm>.

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MTA Provides Help with Retirement Planning

The Massachusetts Teachers Association (MTA) provides retirement consultants to "advise and help members through the retirement process," states Catherine A. Boudreau, MTA president.

Individual consultations are available on designated Saturdays in locations across the state. No appointments are required. Scheduled individual appointments may also be made with a retirement consultant at the Boston MTA office on Tuesdays Wednesdays, and Thursdays. See *MTA Today* for office hours of MTA retirement consultants.

The retirement consultants are also available to conduct group retirement seminars. For more information, call the MTA offices at 617-742-7950, or 800-392-6175.

Social Security Offsets Bill Gains Sponsors

The number of cosponsors on legislation (H.R. 147) to repeal the Government Pension Offset and Windfall Elimination Provision affecting Social Security pensions continues to climb, with a new total of 203 bipartisan cosponsors. All members of the Massachusetts delegation are cosponsors of H.R. 147.

This bill would repeal the penalty provisions that significantly reduce Social Security payments to public employees in non-Social Security states like Massachusetts.

"Thanks to everyone's hard work, we now have all 10 of our congressional delegation on board as sponsors," said Len Paolillo, MCLA sociology professor and a member of the NEA task force to repeal the Social Security offsets.

"Please thank them for their support and remind them how important doing away with the offsets is," Paolillo said.

MSCA Perspective

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Privatizing Your Pension — Is it a Good Idea?

Ben Jacques

As of last fall, 572 MSCA members, over a third of the full-time faculty, had chosen the Optional Retirement Program over the Commonwealth's pension program. Was it a good choice? As the national debate continues over privatizing Social Security, we thought it a good time to review our own option to privatize.

You've just accepted a position on the faculty of a Massachusetts state college. Human Resources informs you of your two retirement plan options. The first is the state pension plan. Unless you designate otherwise, you will automatically become enrolled in the State Employees' Retirement System (SERS), a defined-benefit program that will pay you a predictable retirement income based on years of service, salary, and certain payment options.

The second is a private plan, called the Optional Retirement Program (ORP), available now only to new faculty. As a new employee, you have 90 days to sign up. Under the ORP plan, you and the college will contribute the same amounts from your salary into a private account as with the state plan. The difference is that your money will be invested in financial markets under your direction by one of four provider firms. When you retire, you will receive fixed or variable retirement income based on the performance of your investments.

The Best Option?

The ORP was first made available to state college faculty and senior administrators in 1996. Faculty with fewer than 10 years of employment (the "vesting" year under SERS) could switch into ORP. Across the state, many of them did. Nancy Ovitsky, chairperson of the Business Administration and Economics Department at Massachusetts College of Liberal Arts, was among them.

"I kept seeing the lousy percentage of return our state retirement accounts were making, and I thought I could do better than that," Ovitsky says. She put 40 percent into fixed accounts, and spread the rest out in various stocks and funds. But since then she's had second thoughts.

"I'm comfortable with risk associated with investments, but the last five years the stock market hasn't performed as everyone had hoped." Time will tell, she says, if it was a good move.

A colleague, Biology Professor Mike Ganger, signed up for ORP when he started teaching at MCLA in 2001. "At the time, the market was doing pretty well," Ganger says, "and I already had a retire-

ment account with TIAA/ CREF through my previous employer."

Two considerations led him to stay private. One was the ORP's portability. "The other consideration was, what if I don't get tenure? To be vested in the state plan takes 10 years. You don't lose out if you don't stay."

Ganger said he's basically satisfied with the program provider—you can select from four companies. He gets quarterly reports on investments and can shift accounts twice a year online for no additional charge.

But, he says, he's not in a position yet to know if the private option is best.

Help Making the Decision

Marion Segalla, MCLA benefits coordinator, informs new faculty and librarians of their retirement options, as do her counterparts on other campuses. "Every person's case is different," Segalla says. "I don't like to sway people. I give them material on both options".

She does, however, let them know that if after retirement they deplete their ORP accounts, they will no longer quality for the health insurance benefits that employees enrolled in SERS get.

What's Your Opinion?

Are you enrolled in ORP? If so, we'd like to know what you think about the plan. Please take a few minutes to respond to a short, anonymous survey we've posted on our website:

www.mscaunion.org.

On it we'll ask you to pick "agree, neutral, disagree" to six statements, geared to assess your satisfaction level with the ORP. We'll report on the survey in the next edition of *Perspective*.

Segalla says she sees fewer employees selecting the private option. "Honestly, with the stock market, I think people are a bit reluctant." And a couple of faculty members have asked her if they can switch back to the state plan. "I have to tell them, no. Once you enroll in the ORP, it's final."

New employees can also check out the ORP option on the Board of Higher Education's (BHE) website, review documents in PDF form and read the frequently-asked-questions section.

Having also enrolled in the ORP in 1996, I was a bit shocked to learn, while reading documents on the BHE website, that switching to a private pension plan would not spare me from the Social Security offsets at retirement. These offsets substantially reduce Social Security income a public employee and spouse can receive. They penalize faculty and librarians who have worked the requisite number of years in prior or supplemental jobs that paid into Social Security.

Rules of Thumb

In general, the ORP plan is seen as promising for faculty who enroll early in their careers, as long-term investments are more likely to yield substantial returns. Plan literature suggests that faculty 45 years and older might fare better in SERS, the state plan.

A key benefit of the ORP is its portability — it can be carried to other public or private colleges, in or out of state — and vesting is immediate, whereas faculty and librarians in SERS must wait 10 years. Previous to vesting, a SERS enrollee can cash out, or continue the plan in other public employment, but not outside Massachusetts.

An ORP member can start receiving payments at any time, if he or she retires. This sounds good until you remember that the ORP is not a defined benefit plan. In other words, you can't know now what your retirement income will look like. On the other hand,

employees in SERS, which is a defined-benefit plan, can predict retirement income.

What is scaring some ORP enrollees are relatively low projections for retirement income. Not only has there been sluggish growth in their portfolios, but in some years their accounts actually lost money, even though they and the college made regular contributions. And now that the economy is nudging upward again, some are wondering if they should take a more aggressive investment stance. In other words, should they be taking more risks?

An "Ownership Society"?

Massachusetts is not the only state to offer private pension plans to its employees. Privatization is being pushed in California, and some states, like Nebraska, have tried it for several years. In Nebraska, however, the poor performance of the employees' investments led the state legislature two years ago, according to a *Los Angeles Times* article, "to junk the accounts for new employees."

Times reporter Peter Gosselin wrote: "The poor performance of many of the accounts leaves specialists to question whether—even among individuals who want to invest—most have the time or aptitude to do so successfully."

April 2005 Perspective 3

IN THE ASSOCIATION

Protecting Privacy on Campus

Student Records are Considered Private; Your Use of Email Is Not

The basics of privacy on campus were spelled out by two MTA attorneys at a workshop for MSCA members Oct. 22 on student privacy laws and employee use of email and the Internet.

Sandra Quinn, Esq., a specialist in labor and employment law, and Ira Fader, Esq., who has represented members and affiliates in court and arbitration, urged vigilance in two areas: dealing with student records and information, and using campus email and internet connections.



Sandra Quinn

Ira Fader

Student Grades

The parent of an advisee calls to inquire about the his/her academic progress. "By the

way, what grade did she get in calculus?" the parent asks. The student's transcript lies in front of you. What do you do?

"Grades are considered private, even from parents who pay for their schooling," Quinn said. "Our obligation is to keep this information private, unless there is a waiver." And if the student has signed a waiver, you should have a copy of it, Quinn advised.

Quinn reviewed the Family Educational Rights and Privacy Act (FERPA), generally known as the Buckley Amendment. This federal law was enacted in 1974 to ensure access and privacy rights to students

and parents. Once a student is enrolled in college, however, FERPA rights "no longer apply to parents in most situations."

The Buckley Amendment gives students the right to examine their own educational records, while protecting them from unauthorized disclosure. It applies to financial and disciplinary records as well.

However, educational information, like grades, may be disclosed to appropriate school officials — for example, academic advisors or officers — and to schools to which a student is applying for admission.

Quinn cautioned faculty against posting or making grade information public in any way that would violate privacy, such as posting grades with Social

Security numbers. She acknowledged that "peer grading" is a gray issue, but noted a 2002 case where the U.S. Supreme Court held that having "students grade each other's papers did not violate FERPA because the students were not 'persons' acting for the school. Also, the grading process did not constitute the 'maintaining' of a student record."

A student's library record — what books or materials were borrowed — would likely be covered by FERPA, Quinn said, although it hasn't yet been ruled on in court. She noted, however, that FERPA was amended when the USA Patriot Act of 2001 was enacted. It now allows student records "to be released to the U. S. Attorney General (or Assistant Attorney General) if he/she has an *ex parte* court order. . ." in certain situations involving crimes or acts of terrorism. "There is no legal conflict between FERPA and the Patriot Act," Quinn wrote.

In general, Quinn stated, education records may be released "to comply with a court order or subpoena — with notification of the student."

She also noted that information about students relevant to athletics may be released to the press covering public sports activities on campus.

Email and the Internet — Got Privacy?

There are practical and legal aspects to using email and the Internet at work, said MTA attorney Ira Fader. Both of these offer little privacy or protection to the employee.

"Email is a public record," Fader said. This is especially true in a public institution. "As public employees you have 'diminished expectations of privacy," he continued, referring to state privacy law.

Part of the privacy problem is the nature of electronic communications. Deleting a message does not actually delete it, but instead "merely removes electronic pointers to the file," Fader said. Email can be logged and retrieved and can also be immediately and widely distributed.

Fader noted that some companies use sophisticated software that monitors employees' computer activity in real time. "To my knowledge, the public sector is not yet using this level of remote-connection software, but the more common monitoring software is certainly in place." he said.

Employers may monitor communications to detect racial or sexual harassment. Although a hybrid form of communications, email is subject to the same scrutiny as traditional written or spoken communication.

There are, however, some privacy protections in some situations, Fader said. "The Fourth Amendment protects legitimate expectations of privacy, but you must be able to establish legitimacy." That legitimacy can be undermined, for example, if a company states that "employees shall have no expectation of privacy in their computer use."



In general, employees are protected against "unreasonable" invasion of private communications. For example, personal notes, or email messages not intended for the public could be considered protected.

Many employers allow reasonable use of email for personal use. This is similar to allowing employees to make personal phone calls while at work, Fader said. Some companies have adopted "acceptable use policies" as a means of controlling personal use of email and the Internet.

Can faculty use email for union communications? "Yes," Fader said, "if the employer generally allows email to be used for other non-company communications."

Fader noted a National Labor Relations Board ruling in 1993 that upheld union members' use of email to distribute union information.

"Email presents unions with a quick, inexpensive, easy tool for communication with members," Fader said. "The employer cannot forbid union activity on its system if it permits other, non-work related uses."



From the Senate Task Force report to T-shirts designed by Framingham State College professors, the message is the same: Massachusetts is 47th in the nation in spending for public higher education. Communications Arts Chairperson Derrick TePaske and Jennifer Dowling, designer, display front and back designs for the T-shirts.

T-Shirt Is No Sweat

Massachusetts

1st in Baseball

1st in Football

47th in Support of Public Higher Education

"It was a nice collaboration," said **Derrick TePaske**, chairperson of the Communication Arts Department at Framingham State College.

He was referring to a meeting of minds with colleagues Jennifer Dowling and Leslie Starobin about how to raise awareness of the state's paltry support for public higher education.

The result was a red-white-and-blue T-shirt bearing the message above on the front and a large 47 on the back. The initial order of T-shirts is currently in production and will be on sale through the MSCA Treasurer's office (see order form below).

TePaske contributed the concept; Dowling designed the T-shirt; and Starobin connected them with a union shop that made good-quality clothing, No Sweat Apparel in Waltham. "This proves," TePaske said, "that a company can pay employees real wages and still make a go of it."

Dowling found getting the shape of Massachusetts onto the T-shirt a challenge, but enjoyed working on it, especially choosing the type font and colors, which suggest a Boston sports motif.

Although they didn't realize it at the time, their T-shirts would coincide with the release of the Senate Task Force for Higher Education. In this report (see page 1), the Senate Task Force acknowledged the state's 47th ranking, and called for a dramatic infusion of state money to stabilize and strengthen the state's colleges and universities.

T-shirt Order Form		
Name:		
Mailing Address:		
Indicate # and sizes:		
2XL x \$14 =	\$	
XL x \$12 =	\$	
L x \$12 =	\$	
Cotal amount enclosed =	\$	
Make your check payable mail it with this form to:	to the MSCA and	
Gail Price		
MSCA Treasurer Bridgewater State (Collaga	
91 Burrill Avenue	onege	
Bridgewater, MA 0	2325	

Fiscal 2006 Budget Proposal to the MSCA Delegate Assembly: Recommendation of the Board of Directors

	2004-2005 Budget	2005-2006 Budget Proposal
9010 Office Maintenance —	0.000	0.000
Telephone	8,000	8,000
Supplies Postage	10,000 10,000	10,000 10,000
Postage Equipment	5,000	5,000
Insurance	4,000	4,000
Archives	500	500
Printing	5,000	5,000
	<u>42,500</u>	<u>42,500</u>
9020 AdministrativeSalaries/Payroll Taxes		
President	15,576	16,355
Vice President	7,142	7,499
Secretary	7,142	7,499
Treasurer Grievance Chair	11,650	12,233
Negotiations Chair	9,529 6,252	10,005 6,565
Negotiations Chair DGCE	2,472	2,596
Editor	6,664	6,997
MSCA Webmaster	1,500	1,575
Taxes	20,000	22,000
Secretarial Services	133,971	134,037
Negotiations Scribes	<u>4,362</u> 226,260	
9023 Professional Services	<u>1,000</u>	1,000
Archives	<u>1,000</u>	<u>1,000</u>
9030 Board of Directors/Delegate Assembly	15,000	25,000
Meetings	<u>15,000</u> 15,000	$\frac{25,000}{25,000}$
O .		
9040 Negotiations/Labor Management Sessions	15,000	3,000
Employee Relations Committee	2,500	2,500
Printing Contracts	<u>5,000</u>	15,00 <u>0</u>
8	22,500	20,500
9044 Data Base		
Data Base Chair	4,000	0
Data Base Supplies/Meetings	<u>2,300</u>	1,800
	<u>6,300</u>	1,800
9046 Ad Hoc Committee/Librarians Concerns	1,000	
70 10 Tra Froe Committees Entrantains Concerns	1,000	<u></u>
9050 Contract Administration/Grievance		
Committee Expenses	11,760	6,500
Arbitrators' Fees	27,740	14,500
Stenographers' Fees	<u>6,000</u>	3,000
	<u>45,500</u>	<u>24,000</u>
9060 Legislative	1,000	1,000
Committee Expenses	1,000	<u></u>
•		
9065 Affirmative Action Committee	$\frac{1,000}{1,000}$	$\frac{1,000}{1,000}$
9070 Communications	15 750	1/ 250
Publication & Mailings 7 Issues	15,750 1,650	16,250 2,150
Related Expenses	<u> 17,400</u>	$\frac{2,130}{18,400}$
0000 C		
9080 Conventions/Workshops	10.000	
MTA Annual Meeting NEA-RA	10,000 9,000	
NCHE/Membership	3,600	
Williamstown	1,500	
	<u>24,100</u>	22,100
9085 Elections		10,000
7083 Elections		10,000
9090 Auditor's Fee	<u>4,500</u>	5,000
9100 Discretionary Fund	1,000	
·		
9110 Local Support	<u>15,000</u>	<u>15,000</u>
9600 E-mail	1,000	1,000
TOTAL	<u>\$426,060</u>	<u>\$425,160</u>

Anticipated Income Worksheet

Current Dues Structure

Gurrent Dues Structure			
Local Dues	Members	Dues	Total
Full Time	1,400	\$230	\$322,000
Part Time			
9-11 Credits	87	\$115	\$10,005
3-8 Credits	755	\$70	\$52,850
1-2 Credits	55	\$45	<u>\$2,475</u>
Total Dues Income			<u>\$387,330</u>
Total Projected Members	2,297		
2005/200/ D 11			

2005/2006 Projected Income

Dues Income	\$387,330
Local Support Reimbursement	\$28,000
Data Base Reimbursement from MTA	\$9,300
Reimbursement from local chapters for web sites	\$530
Total Projected Income	\$425,160

Procedure to Elect Alternate Delegates for the 2005 MTA Annual Meeting

Delegates for the MTA Annual Meeting are allocated to the MSCA in general. However, the MSCA apportions its delegation among the nine chapters, based on a one-person, one-vote principle, for nomination and election. The MSCA Board of Directors has adopted the following procedure to elect alternate delegates for the 2005 MTA Annual Meeting. Please contact your chapter president for nomination and election information for your chapter.

- 1) All chapter presidents must report the names of the delegates elected by the membership of the chapter, plus the list of alternates with the number of votes received by each alternate, to the MSCA President's Office no later than Tuesday, April 26th at noon.
- 2) After all of the delegates elected by the chapters have been reviewed for good standing and seated as delegates, all remaining vacancies will be filled by the alternates elected by the chapters. If the number of remaining vacancies is equal to or more than the total number of alternates, then all alternates will serve as delegates.
- 3) If the number of remaining vacancies is less than the total number of alternates, vacancies will be filled by alternates, in voting order by chapter, in proportion to the number of MTA members in the chapters that have elected alternates. In the event of a tie between or among alternates, a drawing by lot will be used to fill the vacancy
- 4) Whenever a vacancy occurs among a chapter's elected delegates, the vacancy will be filled by the next alternate that was elected by that chapter. If the alternates elected by that chapter have been exhausted, the vacancy will be filled in accordance with the procedure in #3, above.
- 5) Delegates who are unable to attend the 2005 MTA Annual Meeting should notify their chapter president as soon as possible. Chapter presidents are responsible for notifying the MSCA President's office whenever vacancies occur in their chapter's delegation.

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