

**Massachusetts State College Association
Delegate Assembly
April 25, 2015
Massachusetts College of Art and Design**

The meeting was called to order at 10:00 a.m. by President C.J. O'Donnell.

President C.J. O'Donnell introduced the MSCA officers, Glenn Pavlicek, Nancy George, and Robert Donohue; Michael Malamut, the Parliamentarian; the June Poirier from Dunn Reporting Services; and MTA Consultant Bob Whalen. Special thanks went to Roberta Govoni for her work in making the arrangements for this meeting and help at registration.

Thanks to Claudia LeClair, the Manager of Special Events and Conference Planning; and Guillermo Carreon, the Assistant Manager of Special Events at MassArt and Design; and Rachael Resnik, Chapter President, MassArt; for their work on the on-site arrangements.

Thanks were given to the delegates who gave up the last Saturday in April to represent their colleagues and conduct the business of the union.

James Mason, MassArt Chapter President-elect, delivered the welcoming comments to the Assembly on behalf of the MassArt Chapter.

First Report of the Credentials Committee:

Joseph McAloon (Fitchburg) delivered the first Credentials Committee Report: 29 registered delegates, 6 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 for the Assembly. The motion passed.

It was moved and seconded to accept the minutes of the April 26, 2014 Delegate Assembly. The motion passed.

MSCA Officers' Reports

President's Report – C.J. O'Donnell

Let me open by expressing what an honor it has been to be able to serve as President of the Massachusetts State College Association these last seven years. The professionalism and dedication of the MSCA Officers, Chapter Presidents, members of the Board of Directors, members serving on MSCA committees and staff continues to impress me. I would also like to express the great appreciation the Board and I have for our MTA consultant assigned to both the MSCA Day and DGCE units, Bob Whalen. For nearly two years Bob has been tasked with handling all MSCA grievances, labor charges, day-to-day maintenance of both contracts, while

negotiating the DGCE contract this last winter. A replacement for Donna Sirutis will be starting in May.

Items this year

Collective Bargaining Agreements Donna Sirutis and MTA's former Director of the Higher Education Division Joey Hansen assisted with the negotiation of the day contract last spring and summer. The contract was settled over the summer and ratified in the fall. As is nearly always the case, there were funding concerns but the state university presidents agreed to fund the contract even though the state's collective bargaining reserve fund was short about \$2.2 million. You may have been hearing that the UMass unions have been fighting to have their contracts funding, including the retroactivity back to July 1, 2014.

DGCE contract negotiations stalled in early March and we will begin mediation on May 12th. The only outstanding issue is stipend increases. The MSCA is seeking a 2.5% increase every six months; the presidents are offering 1.5% each year.

ORP Opt-Out

The one-time option to switch from the Optional Retirement Plan (ORP) to the Massachusetts State Employee Retirement System (MSERS) has been passed by the legislature. If you experience problems or have questions you should send an email to ORP@massteacher.org or contact my office.

Department of Labor Relations Ruling on "The 15% Rule"

As you are aware, on January 16, 2014 the DLR ruled in our favor regarding our charge that the BHE/Presidents repudiated the collective bargaining agreement and reneged on their grievance ruling on enforcement of the 15% rule which limits the number of three and four-credit courses that can be taught by part-time faculty (after exemptions) in department with six or more full-time faculty in them. On February 6, 2015 the BHE's/Presidents' appeal to the DLR was denied. The MSCA is working with several of the campuses to help get them into compliance with this contract provision.

Post-Tenure Review

PTR results were released earlier this month. The MSCA worked diligently with management to ensure that reporting errors and eligibility problems were minimized. There were no problems this year. The initial results (before reconsiderations and appeals) are reported below.

We have requested data that will be used to compute the minimum PTR expenditures required of each university during the 2015-2016 cycle.

Heath Care "Reform"

Governor Patrick's bill that would have increased time necessary to be in state service to maintain the health insurance premium split was never acted on and died in committee.

New MSCA Website

This spring the MSCA made live our new website (still at mscaunion.org). Please take a look at

it and let us know if there are issues with it.

Items for the upcoming year

The MSCA will be working to try to decrease the number of agency service fee payers and increase our union numbers. We will be distributing literature explaining the benefits of union membership.

- A K-12 consultant has transferred to the higher education division and will be assigned to the MSCA day unit in May.
- Joey Hansen resigned in the winter and Tim Fitzgerald has been filing in, but will be leaving in June. A search for a full-time replacement has been ongoing and several candidates have been interviewed. MTA also recently hired two staff attorneys in the Legal Division to replace recent retirees/departures.
- The MSCA will be looking into concerns expressed by members regarding salary differences by gender. This will start after the July 1, 2015 increases. I expect the data collection will be finished in July and that analysis will begin this summer.
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Vice President's Report – Robert Donohue

I began my term on Oct 3, 2014 when the MSCA Board of directors elected me to complete the term of Amy Everitt after Amy left the bargaining unit. I thank the members of the Board for electing me and supporting me during my first 7 months in this new role.

The MSCA Vice President is identified as the officer responsible for the MSCA Conflict of Interest Policy and Whistleblower Policy. I am pleased to report that there were no reported incidents with regard to either policy.

In addition to the aforementioned responsibilities, I have represented the MSCA on several committees: the Employee Relations Committee, the Grievance Committee (vice-chair), Day and DGCE bargaining committees (alternate). I also serve as the MSCA representative on the BHE commission search committee. I have already had the opportunity to work with members on local issues at Bridgewater State University and Westfield State University. I look forward to doing this type of work with members in the future.

I am honored to serve as MSCA Vice President and will continue this role in earnest next year.

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 2015 NEA Representative Assembly to be held this coming summer in Orlando, FL. I would like to congratulate those members who will represent the MSCA at the NEA-RA this year:

Donald Bullens – Worcester, Gerald Concannon – MMA, Ron Colbert – Fitchburg, Sonya Conner – Worcester, Robert Coppola – Mass Art, Michelle Corbin – Worcester, Enrique Morales Diaz – Westfield, Joseph Ebiware – MCLA, William Fay – Bridgewater, Robert Grantham – Bridgewater, Margot Hennessy – Westfield, Len Paolillo – Bridgewater, Hemant Pendharkar – Worcester, Daniel C. Shartin – Worcester

In closing, thank you so much for allowing me to serve you as the Secretary of the MSCA. 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.

It was moved and seconded to rise from the committee of the whole. The motion passed.

It was moved and seconded to adopt the proposed FY 2016 budget, as described in the Treasurer's Report. The motion passed.

It was moved and seconded to adopt the proposed FY 2016 dues as described in the Treasurer's Report.

The motion passed.

Second Report of the Credentials Committee

Joseph McAloon (Fitchburg) delivered the second Credentials Committee Report: 29 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

Bargaining Committee (Day) – Jen Berg

I begin by recognizing the Bargaining Committee (listed below), MSCA President O'Donnell, MTA Consultants Joey Hansen and Donna Sirutis, and Sue Dargan, who chaired the committee through the process of bargaining our 2014-2017 collective bargaining agreement before taking an administrative position at Framingham State University.

The bargaining process was long and occasionally contentious, but a tentative agreement was met on 8 July 2014. While reviewing the tentative agreement a small number of misunderstandings arose, some which were significant. We worked through the summer and finalized the tentative agreement on 24 August 2014. The agreement was ratified on 24 September 2014. The new language was finalized March of 2015; we are waiting for signatures from management.

Major issues addressed in the new agreement include 1.75% salary increases every six months, a new formulary increase formula to continue to address salary inversion and compression, Tenure with Promotion for some Assistant Professors and Assistant and Associate Librarians, allowing Deans to conduct evaluations, remove strict time constraints for part-time faculty office hours, and agreed to seek the legislative action to create a trust fund to subsidize health insurance for part-time faculty reaching the ACA threshold of 30 hours.

The Employee Relations Committee is currently reviewing an updated version of the Chair's Handbook (many thanks to Vice President Donohue for his assistance in updating the language in the handbook).

Bargaining Committee (DGCE) – Don Bullens

DGCE bargaining has been stalled. We are going into mediations and that should be next month, May 12th. That's where we are with it. It's been a very difficult time trying to work with management on this.

Elections Committee

No report

Grievance Committee – Hemant Pendharkar

Thank you for allowing me to be your Grievance Officer.

During this report, I will not be going into the details of any grievance and maintain confidentiality for our aggrieved colleagues. For information on procedures related to grievances, please contact the Grievance Officer on your campus of myself.

During this academic year, there are **about** 78 grievances reported, **about** 22 of these were filed as chapter grievance and one was filed as a consolidated grievance. I do not have the reports from all the Chapters. Some of our Chapters have not filed any grievance; they have chosen to resolve issues as they came about, informally. Per campus reports, I am able to communicate that the following issues were raised through the grievance process:

- Reappointment denial
- Tenure denial
- Promotion denial
- Incidental evaluations
- Workload credits
- CBA offending recommendations in evaluations by the Deans, Chairs
- PTR Process violations
- Recommending denial of personnel actions without just cause or substantial explanations
- Migration (MassArt)
- Graduate compensations
- Dean structure
- Administrator appointment to faculty and administrator evaluated for tenure
- Tenure committee member with conflict of interest
- Parking
- Change in the assignment of grades not vetted through governance
- Academic Freedom
- Chair delegating responsibilities
- Department making policies
- Chair responsibilities
- A consolidated grievance on assignment of unit members to DHE task force

I am happy to report that many of these grievances have been settled in favor of the association and on campus. Some of the grievances that were denied at Step 1 were upheld at Step 2. Among the grievances that were raised to mediation/arbitration by the MSCA Grievance Committee, a grievance on promotion denial (against the committee on promotions) was settled with compensation equivalent of promotion increase. Graduate compensation chapter grievance was settled with appropriate compensation agreed to. Other grievances are already scheduled for arbitration, one on tenure denial and the other on administrator appointment to faculty.

During the last meeting of the MSCA Board of Directors, I proposed that we form a Grievance Cell from members of the Board and Grievance committee, who will be available to travel to other campuses for Step 1 and Step 2 hearings. This initiative is in our effort to resolve as many grievances on campus as possible. This initiative was well received by the Board, and we have four members available to travel to other campuses to hear grievances at Steps 1 and 2. In the recent past, I have worked with three campuses on “talking points” for Steps 1 and 2 hearings.

Legislation Committee

No report

Librarians Committee - Nancy George

Committee Membership

Participants included the following MSCA librarians: Pamela Contakos (MCLA), Millie Gonzalez (Framingham), Nancy George (Salem), Pamela Hayes-Bohanan (Bridgewater), Nancy George (Salem), Millie Gonzalez (Framingham), Caitlin Pereira (Mass Art), Bill Shakalis (Worcester), Nancy Turnbull (Fitchburg), and Oliver Zeff (Westfield). President O'Donnell served as an ex officio member; Nancy George served as chair and Millie Gonzalez served as vice chair of the committee.

Communication

The committee communicated via email this past year, met once in person, and is planning a May in person/Skype meeting at Framingham State University.

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

Concerns and Activities:

MCCLPHEI - Open Meeting Law

It was determined by MTA Legal that MCCLPHEI (library director organization) meetings are open to the public, even though MCCLPHEI previously forbid MSCA Librarians to attend. Thus, MSCA librarians may attend the meetings and the meeting minutes must be made available to the public. The minutes are available on the following web page:

<http://lib.westfield.ma.edu/mcclphei/Librarian>

Survey

The committee worked on a draft of the librarian survey. The committee sent the completed survey out this past month. The committee worked on drafting a Librarian Observation Form, which was submitted to MSCA President C.J. O'Donnell. The committee will continue working on the observation form at its next meeting.

Massachusetts Teachers Association - Reports

MTA Director – C.J. O'Donnell

I would like to state that it has been my pleasure serving as the MSCA (District 45H) representative to the MTA Board of Directors this past year. I served a one-year term to fill the seat vacated by Ron Colbert (Fitchburg) after Ron left the seat in order to serve as the Higher Education (Region H) representative to the MTA Executive Committee. Since that one-year term expired I have been elected to a three-year term.

Of note this year:

- The MTA Summer Conference in 2015 will be held at UMass Amherst rather than Williams College. Since there are contract disputes between the UMass President Caret and the higher education unions at UMass, the MTA Board has voted to cancel the

conference if the contract disputes are not resolved in early May. This will likely be discussed at the MTA Annual Meeting of Delegates scheduled for May 8-9 in Boston.

- Another issue that will be debated at the Annual Meeting will be the FY 2016 MTA budget and dues. The MTA Board recommended a \$6 increases in dues over last year on a 38-24 vote. I voted against the proposed budget and will be recommending to the MSCA Board of Directors on April 24th vote or ask MSCA delegates to the Annual Meeting to vote to take actions to have dues remain at the 2014-2015 level.
- The MTA, at the direction of the Board, continues to fight against proposals to increase the cap on charter schools, and the use of high stakes testing, in particular the PARCC exam that is being piloted this spring. Regarding higher education, the Board has approved a legislative agenda that includes significant increases in funding for the institutions, significant increases in scholarship funding, increases in full-time faculty positions, and health and pension benefits for part-time faculty.

BHE/MTA Health and Welfare Trust – Nancy George

The Board of Higher Education/MTA Health and Welfare Trust Fund administers the Dental Plan and Vision Discount plan for all employees in public higher education who are affiliated with the MTA. There are twelve Trustees, six appointed each by management and by labor. Due to recent trustee resignations it is anticipated that in the near future a new secretary and treasurer will be elected by the trustees.

Currently, the fund represents approximately 8800 individuals who hold either individual or family dental plans. Funding is provided solely by negotiated state contributions of between \$15.00 and \$15.50 per week per employee (depending on the employee's bargaining unit).

The Dental Plan is currently administered by MetLife. As of April 1, 2014, coverage is up to the annual maximum benefit of \$1,200. The trending loss ratio is 9% higher than last year, which would lead to a 6% increase in the MetLife contract this year (taking into account last year's 3% reduction). However, the increase would be capped at 5.5% due to our rate cap. Negotiations have not yet begun, with the hopes that trends improve before the renewal process begins.

The manager of the trust is Health Plans, Inc. (HPI). HPI has created a solid member database and strives to answer members' questions in a pleasant, professional, timely manner. HPI is working with the Trust to investigate ways to increase the efficiency of the management of the Trust through the hiring of an accountant, and changing banks and fiduciary insurance companies. The Trust has also examined the Health and Welfare Trust Agreement and is working with its attorneys to allow for online voting in the future.

Any members having issues with their dental or vision plans can contact any Trustee who can put them in touch with either Health Plans, Inc. (eligibility manager for the trust) or with our

direct representative at MetLife.

Final Report of the Credentials Committee

Joseph McAloon (Fitchburg) delivered the final Credentials Committee Report: 29 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

A delegate raised the issue of documentation regarding the evaluation and assessment of students. It was noted that this is part of the Vision Project and that there are assessment initiatives at each campus. This will be further discussed and worked on next year. Discussion followed.

Adjournment

The meeting adjourned at 11:53 am.

Respectfully submitted,
Nancy George
MSCA Secretary