

**Massachusetts State College Association
Delegate Assembly
April 30, 2016
Fitchburg State University**

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; the Parliamentarian Michael Malamut; the Stenographer from Dunn Reporting Services; and Fitchburg State University President Dr. Richard Lapidus. There was a special thank you to Roberta Govoni for her work making the arrangements for this meeting and help at registration.

President O'Donnell thanked to Chartwells for the excellent catering service, the FSU Police Department for the parking arrangements, FSU Chapter Secretary Elizabeth Rodenhiser, FSU Chapter President Joseph McAloon and the MSCA Fitchburg Chapter for their work on the on-site arrangements.

President O'Donnell thanked the delegates who gave up the last Saturday in April to represent their colleagues and conduct the business of the union.

President of Fitchburg State University Dr. Richard Lapidus, President of Fitchburg State University provided greetings to the delegates.

FSU Chapter President Joseph McAloon delivered welcoming remarks to delegates on behalf of the FSU/MSCA Chapter.

First Report of the Credentials Committee:

Credential Committee chair Joseph McAloon delivered the first Credentials Committee Report: 30 registered delegates, 5 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 April 25, 2015 Delegate Assembly Minutes. 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 eight 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 is impressive.

I would also like to express the great appreciation the Board and I have for the our MTA consultant assigned to the MSCA, Bob Whalen, the consultant who handled the DGCE contract for more than 16 years and who recently took a new position within MTA; Roberta James who has been handling the day

contract for just under a year; and Ted Lewis who has been with us for two weeks now, and who will be handling the DGCE contact.

MTA also has a new Director of Higher Education, Robert Vodicka, who comes to MTA from the American Federation of Teachers. Robert and I have been working well together.

Health Insurance for Part-time and DGCE faculty

As you know, both collective bargaining negotiations concluded and included a side letter whereby the MSCA and the BHE would file legislation to create a trust fund to subsidize GIC coverage for part-time and DGCE faculty who met the 30-hour threshold in the Affordable Care Act.

Legislation was filed, but that bill recently was sent to study committee, effectively killing the bill. However, MTA’s omnibus higher education bill had two pieces favorably reported out – health insurance and pension eligibility for adjunct faculty teaching at least half time. We will be working with MTA to try to get these bills passed this legislative session.

ORP Opt-Out

Although there have been significant delays for many members wishing to switch from the Optional Retirement Program to the state pension system, some members have already been transferred and many more are in the middle of the process.

Collective Bargaining Agreements

The DGCE collective bargaining agreement was settle in January and the universities are working on the retroactive payments back to the spring semester of 2015. Day contract salaries increases have been implemented without incident and the DHE has begun the steps necessary to compute the July, 1, 2016 formulary increases.

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. The results at this time are:

University	Reviewed	6%	3%	0%
Bridgewater	42	39	2	1
Fitchburg	21	18	3	0
Framingham	16	13	3	0
MassArt	14	14	0	0
MCLA	14	10	3	1
Mass Maritime	9	9	0	0
Salem	40	31	8	1
Westfield	23	20	3	0
Worcester	21	21	0	0
Total	200	175	22	3

Organizing Campaign

With some help from MTA and NEA, the MSCA piloted a campaign to try to convince agency fee paying unit members to become MTA union members at the Bridgewater Chapter. We will continue to work to explain the benefits of union membership, particularly to part-time and DGCE faculty.

Gender Salary Equity Study

Jenn Berg and Virginia Rutter have started to look at data for a study of salaries by gender.

Vice President's Report – Robert Donohue

I thank the members for electing me MSCA Vice President. Although just elected, over the last year I served as MSCA Vice President after being appointed to that role by the MSCA Board.

The Vice President is identified as the MSCA officer responsible for the MSCA Conflict of Interest Policy and Whistle Blower Policy. There were no reported incidents with regard to either policy.

I have been the point person for improvements in MSCA's use of technology. Over the last year I facilitated MSCA's adopted of Google Apps for Work. I have also taken on some of the responsibilities of the MSCA web master. New features of the website allow local chapter to create and edit pages.

In my role as MSCA Vice President over the last year I have:

- Represented MSCA concerns to the MTA and NEA about the high dues rate part-time members pay
- Testified before the legislature in support of a bill to provide health care to part-time faculty
- Represented the MSCA at events in support of fair contracts for community college faculty

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 2016 NEA Representative Assembly to be held this coming summer in Washington, D.C. I would like to congratulate those members who will represent the MSCA at the NEA-RA this year:

J.M. Bodi – Bridgewater
Donald Bullens – Worcester
Ron Colbert – Fitchburg
Bill Fay – Bridgewater
Walter Harper – Bridgewater

Emanuel E. Nneji – Worcester
C.J. O'Donnell – Mass Maritime
Len Paolillo – Bridgewater
Hemant Pendharkar – Worcester
Forrest Rodgers – Salem

In closing, thank you so much for allowing me to serve you as the Secretary of the MSCA and for re-electing me to this position. 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 come out of the committee of the whole. The motion passed.

It was moved and seconded to adopt the proposed FY 2017 budget, as described in the Treasurer's Report. The motion passed.

It was moved and seconded to adopt the proposed FY 2017 dues as described in the Treasurer's Report.

The motion passed.

Treasurer Pavlicek provided delegates with a brief description of the member database conversion. The new system will be a web-based system that will allow chapters to look up some member information locally.

Second Report of the Credentials Committee

Credential Committee chair Joseph McAloon delivered the second Credentials Committee Report: 31 registered delegates, 4 guests. It was moved and seconded to adopt the report. The motion passed.

Proposed Amendment to the MSCA Constitution:

Vice President Donohue presented the proposed amendment on behalf of the MSCA Board of Directors.

It was moved and seconded to amend the MSCA Constitution to the following (new language **BOLDED**):

Article V, Section 2. Meetings.

“The Delegate Assembly shall hold an Annual Meeting on a day determined by the Board of Directors, which day shall be either the last **Friday or** Saturday in April or the first **Friday or** Saturday in May. At least fourteen days prior to the Annual Meeting of the Delegate Assembly, each Chapter shall submit to the President a list of its Delegates and designated alternates. At least seven days prior to the annual meeting of the Delegate Assembly, the President shall report the names of chapter Delegates and designated alternates to the Credentials Committee.

“Special meetings of the Assembly may be called by the Board of Directors, by the Assembly itself, by petition of one-tenth the membership of each Chapter, by petition of one-half the membership of any two Chapters, or by a Petition of Recall presented under the provision of Article IV, Section 4.”

The motion passed.

MSCA Committee Reports

AA/DIV/EO Committee

No report.

Bargaining Committee (Day) – Jenn Berg

I'd like to begin by thanking the Day Bargaining team (listed below). As we are not in an active bargaining term there are only a few items to report. In the last year the Day Bargaining team negotiated an early retirement incentive program in June 2015. We also participated in a Bargaining Summit at the MTA's Higher Education Conference.

We are able to open negotiations on the successor to the 2014-2017 Collective Bargaining Agreement this summer.

MSCA Bargaining Committee: Brian Payne, Virginia Rutter, Nita Sturiale, David Eve, Joseph Murphy, Margot Hennessy, Don Bullens, C.J. O'Donnell

Bargaining Committee (DGCE) – Don Bullens

Chair Bullens thanked the members of the DGCE Bargaining Committee for their hard work on the committee.

For two years, the DGCE Bargaining Committee dealt with CBA negotiation and mediation with management. In February, 2016 the DGCE Bargaining Committee unanimously recommended that the MSCA Board of Directors recommend the ratification of the DGCE CBA to the membership. On March 7, 2016, the DGCE collective bargaining agreement was ratified with the following results: 317 yes, 25 no, 1 blank.

The DGCE CBA has been posted on the MSCA website along with a synopsis of the appointment procedures and evaluation procedures. Print copies are in the process of being printed; copies will be sent to the campuses when they are available. The increases are: 2% the start of the spring 2015 instructional period; 2.5% the start of the spring 2016 instructional period; and 2.5% the start of the spring 2017 instructional period.

Retroactive pay will be paid on a variety of pay dates by campuses in April and May, 2016.

Elections Committee – Sarah Mabrouk

Rules and Calendar for 2016 MSCA Officer Election

The rules and calendar for the 2016 MSCA Officer Election were revised from the 2014 MSCA Officer Election in Committee. The final version for the Rules and Calendar for the 2016 MSCA Officer

Election were presented to the MSCA Board of Directors on November 6, 2015. The MSCA Board of Directors approved the Rules and Calendar for the 2016 MSCA Officer Election on November 6, 2015; each was posted on the *2016 MSCA Officer Election* page of the MSCA web site.

Nomination Papers

Per Article VII(7) of the MSCA Constitution, November 1st is the earliest date on which nomination papers can be requested. Nomination papers were requested by one (1) person for each office

- Christopher O'Donnell for the office of President
- Robert Donohue for the office of Vice-President
- Nancy George for the office of Secretary
- Glenn Pavlicek for the office of Treasurer

Signature Verification

Signature verification was performed by Melissa Beatty at the MSCA Office at Bridgewater State University since she is familiar with and has access to all the MSCA member databases. The signature verification process was as follows:

- scanned copies of nomination papers are sent to me;
- I emailed the nomination papers to Melissa and copied the candidate who submitted the nomination papers;
- Melissa verified the signatures and sent the signature count to me and copied the candidate who submitted the nomination papers; and
- I emailed the candidate to confirm the signature count.

Certified Candidates

Per Article IV, Section 2, Part (b), "In order to be certified as a candidate for Office, an eligible member shall be required to obtain at least forty signatures of members in good standing; no more than fifteen shall be counted from a single Chapter. The eligible member shall file nomination papers with the Nominations & Elections Supervisor prior to 5:00 PM on the third Friday of January next following." The deadline for submitting nomination papers was January 15, 2016. Below is the signature count by campus for each certified candidate.

Christopher O'Donnell

Candidate for Office of President

Bridgewater:	15
Framingham:	3
MassArt:	15
MCLA:	15
Mass Maritime:	13
Salem:	15
<u>Worcester:</u>	<u>15</u>
Total:	102

Robert Donohue

Candidate for Office of Vice-President

Bridgewater:	15
Fitchburg:	14

Framingham:	12
Mass Maritime:	10
<u>Salem:</u>	<u>15</u>
Total:	66

Glenn Pavlicek

Candidate for Office of Treasurer

Bridgewater:	15
Fitchburg:	14
Framingham:	11
Mass Maritime:	10
<u>Salem:</u>	<u>15</u>
Total:	65

Nancy George

Candidate for Office of Secretary

Bridgewater:	15
Fitchburg:	14
Framingham:	15
Mass Maritime:	10
<u>Salem:</u>	<u>15</u>
Total:	69

As of January 22, 2016, no written challenges to signatures were received.

Candidate Information: Statement, Picture, Schedule of Availability

The following were received from each candidate:

- (i) a biographical statement (at most 350 words) describing her/his experience and goals,
- (ii) a photo (black & white preferred) with dimensions of at most 5-inches by 7-inches, and
- (iii) her/his schedule of availability for organizing a Candidate Forum at each campus.

The list of certified candidates together, the biographical statements, and candidate pictures were posted on the *2016 MSCA Officer Election* page of the MSCA web site. The candidate availability information was sent to Chapter Presidents for planning candidate forums, if desired.

Election Services Companies

On January 25, 2016 the Labor Guild informed me that they had decided not to continue to conduct elections as conducting elections would be a conflict of interest for their members serving as state mediators and that they were experiencing staffing issues which would make it difficult to continue with elections.

At the December 4, 2015 Board of Directors meeting, I was asked to obtain estimates from two (2) companies providing election services. Estimates were obtained from the following companies: TrueBallot, Inc.; Survey & Ballot Systems; Election-America, Inc., and Election Services United

The estimates were sent to the Board of Directors. Election services companies were informed of the Board's selection of TrueBallot, Inc. as the election services company for the MSCA Officer Election

as of February 8, 2016.

Election Results

A total of 3,434 ballots were mailed to eligible members on March 16, 2016. Thirty-one (31) ballots were returned as undeliverable. No duplicate ballots were requested. No members were added to the eligible member list during the voting period. Ballots were returned via USPS mail to TrueBallot, Inc. in New Haven, CT.

TrueBallot, Inc. received 380 returned bar-coded receipts from their ballots. After ballots were registered, envelopes were opened and ballots were optically scanned to obtain the election data. Questionable ballots were audited and corrected as needed. TrueBallot, Inc. reported “It is our opinion as the impartial balloting agency that the results of the election are true and accurate, the ballots were properly counted, and rigid safeguards were maintained to protect the secrecy of the ballot. At the conclusion of the counting, all ballots and materials were placed in appropriate containers, sealed, and stored by TrueBallot for one year.”

Office and Candidate	# Ballots	# Blank	# Valid	# Votes Received	# Write-in Votes	# Not Valid
President: Christopher J. O’Donnell	380	18	362	359	3	0
Vice President: Robert L. Donohue	380	32	348	345	3	0
Treasurer: Glenn Pavlicek	380	21	359	357	2	0
Secretary: Nancy George	380	23	357	353	4	0

Results were posted on the *2016 MSCA Officer Election* page of the MSCA web site on April 10, 2016. No written challenges to the Election Results were received by April 14, 2016. The election was conducted according to the approved Rules and Calendar for the 2016 MSCA Officer Election, and I believe that the process was inclusive and transparent. Many thanks to the members of the MSCA Elections Committee, the certified candidates, Robert Donohue, Glenn Pavlicek, Melissa Beatty, the Chapter Presidents and the MSCA Board of Directors for their assistance and support throughout the year.

Grievance Committee – Hemant Pendharker

During this report, I will not be going into the details of any grievance and maintain confidentiality for our aggrieved colleagues.

Based on chapter reports: during this academic year, there are about 70 grievances reported, 13 of these were filed as chapter grievance and none was filed as a consolidated grievance. I do not have reports from every chapter. Some of our chapters have not filed any grievance; they have figured ways to resolve issues as they came about, informally. As needed, chapter presidents are in communication with me and I am (on if not a daily, a weekly basis) in communication with the MSCA President. We are always making certain that the “incident” is in fact a CBA violation and our dialogue helps us file

legitimate grievances at the chapter. Per campus reports, I am able to communicate that the following issues were raised through the grievance process (Non-exhaustive list):

Non-reappointment	Evaluation criteria
Tenure denial	Dean structure
Workload calculations	Inappropriate use of Final Exam period
Promotion denial	Academic Freedom
Sick leave bank	Chair delegating responsibilities
Working conditions	Inappropriate APRs
Incidental evaluations	Sabbatical denials
Administrators appointed with tenure	Departmental policies
Delegation of evaluation to the Deans	Chair responsibilities
Parking	

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 I were upheld at step II. Some grievances led to a more serious ULP (Unfair labor practice) filing and the grievance office worked closely with MTA Legal towards gratifying resolutions in favor of our unit members. The case(s) were settled before labor hearing.

I reported to the delegates last year that I proposed to MSCA BOD 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 I and II hearings. During this year, we were able to use this resource to empower step I and II hearings.

I am also happy to report that there is a collaborative dialogue among campuses on sharing grievance findings. We have successfully used a finding in our favor at step I at one campus to convert from the denial at Step I for a similar issue at another campus to “upheld” at step II.

We revisited the previous summer abeyance filing practice and decided that such an abeyance for the statewide grievance office shall not be filed. Local chapters may file summer abeyance but unit members will always have the access to the statewide grievance office.

This past year, almost all of the grievances that were raised to mediation were mediated during this very year. We have been able to remove most of the backlog from previous years and members are now not waiting beyond a semester for the mediation of their grievances. I have been able to mediate more than one (sometimes three) grievances on the same mediation date. This year’s last mediation will be on first Wednesday in June and we will mediate three grievances on that day.

In general, please make a note that it is important to file grievances in a timely fashion. If a grievance is not filed within the time-window, the administration can deny the grievance for not filing in time – they may not visit the violation, no matter. Contact your grievance officer or me if you are seeking clarification on incidents related to the CBA.

In closing: We are committed to maintaining the confidentiality of your grievances. Grievance office shall remain open during the summer.

Legislation Committee

No report.

Librarians Committee - Nancy George

Committee Membership:

Participants included the following MSCA librarians:

Nancy George (Salem), Millie Gonzalez (Framingham), Pamela Hayes-Bohanan (Bridgewater), Linda Kaufmann (MCLA), Caitlin Pereira (Mass Art), Bill Shakalis (Worcester), Nancy Turnbull (Fitchburg), 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 and met twice in-person.

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

Concerns and Activities:

Librarian Survey

The committee examined the results of the librarian survey. The major issue brought up in the survey is the lack of librarian representation at bargaining. 22 librarians (50%) responded. Other than that, librarians did not seem particularly upset about issues; perhaps this is because librarians won some major advances in the last contract.

Librarian Observation Form

The committee again reviewed the Librarian Observation Form, agreed that it did not need editing, and submitted it to MSCA President C.J. O'Donnell. The E3 form for LPA Chair evaluation was worked on as well.

Deprofessionalization Issues

This was again a topic that came up at our meetings. Members of the committee are troubled by the trend to hire librarians in positions in non-MSCA units.

NEASC Standard 7

The committee had some dialog about the elimination of NEASC's Standard 7, which was the library and information services standard. Note: I attended a meeting with other New England librarians at the NEASC office, fall semester, to discuss this issue and helped write a letter to NEASC staff regarding the new standards and library/information services.

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. Of note this year:

- MTA continues to fight against proposals to increase the cap on charter schools, and the use of high stakes testing.

- An omnibus higher education bill was filed as part of MTA’s legislative agenda. The bill included increased funding for the institutions, increases in scholarship funding, increases in full-time faculty positions, and health and pension benefits for part-time faculty. Only the health insurance and pension portions of the bill have survived the Joint Committee on Higher Education, the revised bills are in the House and Senate Ways and Means Committees.
- MTA held a Higher Education Conference on April 15-16 in Framingham, the conference covered issues such as challenges facing public higher education moving forward - locally, statewide and nationally – as well as current MTA legislative initiatives.
- The MTA Summer Conference will be held at UMass Amherst from July 31 - August 4.
- This fall MTA will be scheduling meetings with candidates for Massachusetts House and Senate seats. Members will be *highly encouraged* to attend. I will be notifying chapters when those meetings are scheduled.
- At its March meeting the MTA Board has recommended a \$1 increase in dues over last year.
- The MTA Board recommends a Public Relations and Organizing budget of \$50 this year, up from \$30 last year.
- At a special meeting on April 25th the Board voted to put before the delegates at the Annual Meeting a proposal to contribute an additional \$6.8 million to the Save Our Public Schools campaign (MTA has already contributed \$2.4 million to the campaign).

The proposal recommends the use of the 2016-2017 budget at \$50 per full-time member, any contributions received from NEA, and then the balance to be taken out of reserves.

The Save Our Public Schools campaign is a coalition – including MTA – created to fight the ballot question that would increase the number of chapter schools by 10 every year.

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. I serve as the MSCA Trustee and was elected this past year, by the Trustees, as treasurer.

Currently, the fund represents approximately 9000 individuals who hold either individual or family dental plans. Funding is provided solely by negotiated state contributions of around \$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. Negotiations have begun for the MetLife renewal and it is anticipated that there will be a 2.5% increase in the premium cost due to the loss ratio of 94.89% (3/1/2015-2/29/2016). It is hoped that our rate cap will remain the same as in the past at 5.5%. However, this has yet to be agreed on with the provider, MetLife.

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. The Trust now employs KD/HPI as our negotiator/consultant instead of Mercer, Inc. As a result, the monthly reports to the trust are much more comprehensive and informative than in the past and the consultant is extremely helpful to the Trustees at both Trust meetings and Financial Committee meetings.

Financial activities in the past year:

- Hired an accountant for day-to-day financial operations;
- Financial Committee comprised of four Trustees and the KD/HPI consultant was created;
- In the process of changing banks from Bank of America to East Boston Savings Bank (EBSB);
- Fidelity investment account was closed and money transferred to EBSB;
- Investigating opening a line of credit with EBSB;
- Investigating changing investment strategy with UBS;
- An audit was performed by Whittlesey & Hadley, P.C.;
- Beginning the process of investigating payment accuracy from state entities;
- IRS tax forms 5500 and 990 were filed in a timely fashion.

Other activities in the past year:

- Voted to create a DBA name for the trust - working with attorneys regarding this;
- Address of Trust was changed;
- Changed fiduciary insurance company (less expensive policy);
- Worked with attorneys for documentation to allow allow online voting in the future;
- Met with HELC to begin process of determining payment accuracy;
- Contract with Mercer, Inc. dissolved and KD/HPI hired instead (less money and better service);
- New treasurer, Nancy George, and secretary, Jay Bry, elected by the Trustees.

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/MSCA Chapter, delivered the final Credentials Committee Report: 31 registered delegates, 4 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

None

Adjournment

The meeting adjourned at 12:00 noon.

Respectfully submitted,
Nancy George
MSCA Secretary