

MEMORANDUM OF AGREEMENT CONCERNING ENFORCEMENT OF CERB REMEDY

On February 6, 2015, the Commonwealth Employment Relations Board ("CERB") issued a Decision and Order in Case No. SUP-08-5396. The CERB held that the Board of Higher Education ("BHE") violated G.L. c. 150E, § 10(a)(5) and derivatively § 10(a)(1) by repudiating Article XX, § C(10) of its collective bargaining agreement with the Massachusetts State College Association ("MSCA") and a grievance decision regarding Article XX, § C(10). It ordered the BHE to immediately adhere to Article XX, § C(10) and the grievance decision and to post a Notice to all employees.

On March 5, 2015, the BHE filed a notice of appeal of the CERB decision and on the same day it filed a motion to stay enforcement of the CERB's order with the Appeals Court. On March 24, 2015, the Appeals Court denied the motion without prejudice to filing the motion with the CERB in the first instance and the appellate motion was stayed pending a decision from the CERB.

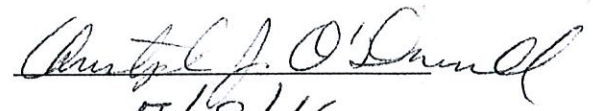
In order to avoid further litigation regarding enforcement of the CERB's Order, the BHE and MSCA agree to the following:

- 1) The BHE agrees that it will post the notice included with the CERB's decision and order in SUP-08-5396. The notice shall be e-mailed to all members of the MSCA within seven (7) days of execution of this Agreement and it shall be physically posted in conspicuous places where members of the Association usually congregate and where notices to employees are usually posted for the period of September 1 to September 30, 2016.
- 2) The BHE and the state universities will take steps to comply with the CERB's decision and order with the universities making good-faith efforts to be compliant at all universities during academic year 2017-2018. Accordingly, each state university that identified departments as utilizing part-time instructors in excess of the contractual limit shall inform in writing the MSCA of the steps being taken to achieve compliance and the schedule for the university's actions. The universities will provide this information to the MSCA each October 1 and each March 1, or more frequently as the MSCA President may reasonably request.
- 3) The BHE will withdraw its motion to stay enforcement of CERB's decision and order at the appeals court and will not re-file its motion with the Department of Labor Relations. The MSCA will not file a motion for enforcement with the Department or the courts as long as the BHE complies with this Agreement. The parties agree that the pending notice of appeal of the CERB's decision is not impacted by this Agreement.

For the Board of Higher Education:

For the Massachusetts State College
Association/MTA/NEA:


Director of Employee + Labor Relations
Date: 5/12/16


Date: 5/9/16