

**Massachusetts State College Association
Delegate Assembly
May 5, 2017
Worcester State University**

The meeting was called to order at 4:00 p.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 Stenographer from Dunn Reporting Services; and Dean Linda Larrivee. Special thanks went to Roberta Govoni for her work in making the arrangements for this meeting and help at registration.

Thanks to Chartwells for the excellent catering service and the Police Department for our parking arrangements. Along with staff: Michael Priest, Lynda Shusta and Nicholas Burns at the Worcester State University Conference and Events Services Office and Donald Bullens, MSCA Chapter President, Worcester State University for their work on the on-site arrangements.

And, thanks to all the delegates who gave this Friday evening to represent their colleagues and conduct the business of the union.

Dean Linda Larrivee, Dean at Worcester State University provided greetings to the delegates.

Don Bullens, Worcester State University, MSCA Chapter President, delivered the welcoming comments to the Assembly on behalf of the Worcester State University/MSCA Chapter.

First Report of the Credentials Committee:

Sarah Mabrouk, Framingham/MSCA Chapter, delivered the first Credentials Committee Report: 33 registered delegates, 4 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, as received, for the Assembly.

It was moved and seconded to amend the agenda to include under New Business, consideration of the endorsement of candidate Candice Shivers, MCCC, for MTA Director. The motion passed.

The original motion passed as amended.

It was moved and seconded to accept the April 30, 2016 Delegate Assembly Minutes. The motion passed.

MSCA Officers' Reports

President's Report – C.J. O'Donnell

Dear Delegates,

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 nine 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 be impressive.

I would also like to express the great appreciation the Board and I have for our MTA consultant assigned to the MSCA. **Ted Lewis**, who had been handling the DGCE contract, is leaving the higher education division; **Roberta James** who has been handling the day contract for just under two 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, **Susanne Wall**.

No on Question 2

As you no doubt know, MTA working with other groups overwhelmingly defeated Question 2 in November, the question that would have allowed for additional charter schools despite there being a cap on them.

Raise Up Massachusetts

The ballot question to increase the taxes of income in excess of a million dollars easily passed the first hurdle in a Constitutional Convention in the last legislative session. This legislature must now have 25% of the Senators and Representatives vote in favor of the Constitutional amendment. If so, the question will then be on the ballot in November 2018.

Health Insurance for Part-time and DGCE Faculty

As you know, last legislative session a bill was filed that would have provided health insurance session. However, MTA's omnibus higher education bill has again this year included 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

There are still some lingering transfer issues for some MSCSA members. Questions or members seeking assistance should contact Donna Sirutis at ORP@massteacher.org.

Collective Bargaining Agreements

The Day Bargaining committee has initiated successor negotiations. The DGCE CBA expired at the end of this December. The DGCE team will need to start preparing for negotiations this summer.

Post-Tenure Review

PTR results were released just over a month ago. 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	13	11	2	0
Fitchburg	13	11	1	1
Framingham	9	7	2	0
MassArt	7	5	1	1
MCLA	3	0	1	2
Mass Maritime	5	4	1	0
Salem	22	17	4	1
Westfield	12	9	2	1
Worcester	5	5	0	0
Total	89	69	14	6

Organizing Campaign

MTA’s organizing efforts did not pan out last year. There were extensive delays in training MSCA members and the assistance we were promised/expecting from MTA did not develop. We were able to survive the attack on agency fee when the case before the Supreme Court was a split 4-4 decision, however, given that anticipated conservative appointees President Trump will make, it is likely only a matter of time before the ability to collect agency fee is gone. The MSCA is better positioned than other locals, MTA and NEA in that most agency fee payers are part-time and DGCE faculty and the MSCA collects very little fees from them as the MSCA significantly reduced dues for part-time and DGCE faculty in the last several years.,

Respectfully submitted,
C. J. O’Donnell

Vice President's Report – Robert Donohue

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

- * Represented the MSCA on the Higher Education Leadership Council
- * Represented the MSCA on the Employee Relations Committee
- * Served as Vice Chair of the MSCA grievance committee
- * Administered the MSCA website and domain
- * Administered the MSCA’s Google apps for work account
- * Posted updates to the MSCA website
- * Worked with local chapters to expand and improve their chapter websites
- * Worked on several drafts of a PEC handbook
- * Testified before the GIC against GIC changes that increase cost and limit

healthcare options

* Attended the rollout of the Early College Initiative

* Attended various MTA events

I am honored to serve as MSCA Vice President.

Respectfully submitted,
Robert L. Donohue, Ph.D.
MSCA Vice President

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 week after each meeting.

Spring semester I supervised the nomination/election process for the 2017 NEA Representative Assembly to be held this coming summer in Boston. I would like to congratulate those members who will represent the MSCA at the NEA-RA this year:

J.M. Bodi - Bridgewater
Don Bullens - Worcester
Elaine Craghead - MMA
Peggy Dillon - Salem
Joseph Ebiware - MCLA
Walter Harper - Bridgewater
Margot Hennessy - Westfield
Gina Lavalley - Worcester
Emanuel Nneji - Worcester
C.J. O'Donnell - MMA
Len Paolillo - Bridgewater
Hemant Pendharkar - Worcester
Graziana Ramsden - MCLA
Forrest Rodgers - Salem
Dan 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 come out of the committee of the whole. The motion passed.

It was moved and seconded to adopt the proposed FY 2018 budget, as described in the Treasurer's Report.

It was moved and seconded to amend the FY 2018 budget to eliminate PHENOM line item 9060 from the budget. The motion passed.

It was moved and seconded to amend the FY 2018 budget to add \$500 to the Investment Committee. The motion passed.

It was moved and seconded to reduce line item 9010 by \$7,500 (and discontinue the financial contributions to PHENOM). The motion passed.

The original motion passed as amended.

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

The motion passed.

Second Report of the Credentials Committee

Sarah Mabrouk, Framingham/MSCA Chapter, delivered the second Credentials Committee Report: 36 registered delegates, 4 guests. It was moved and seconded to adopt the report. The motion passed.

MSCA Committee Reports

AA/DIV/EO Committee – Enrique Morales-Diaz

No report.

Bargaining Committee (Day) – Amy Everitt

The bargaining team was convened early in the Fall 2016 semester to design a member survey. Following the administration of the survey, results were tabulated and the team met to develop a comprehensive proposal for management, which includes what we consider to be “substantive”, “clarifying”, and “housekeeping” items.

The MSCA Board of Directors approved the proposal with minimal changes at the January 2017 monthly meeting.

The first bargaining session took place on January 31, 2017 and we offered our clarifying and housekeeping items. Management had no proposals to share at this time and offered only four additional meeting dates prior to the June 30 expiration date.

On March 23, we met for the second time, with management sharing “generally” what they would agree to discuss regarding our clarifying and housekeeping items. They also provided a limited number of proposals across the table and after some brief explanations of their materials, we ended the session shortly after lunch. It is important to note that they indicated that no financial package would be available until “late spring”.

At our third meeting on April 18, management offered a few brief items but was not ready to discuss any of our clarifying or housekeeping issues. We put forward our full proposal and we ended the day following presentation of our substantive changes. Our next scheduled meeting is Monday May 15.

There is general concern among both the bargaining team and the MSCA Board of Directors about the number of meeting dates that management has been willing to offer, as well as the pace of conversations. While they did offer an additional meeting date in June, we have yet to receive management’s full proposal. In response to these concerns, the bargaining team has created, and the MSCA BOD has approved, a multi-faceted action plan that may need to be implemented as we near commencement season.

In closing, I would like to thank the bargaining team and alternates for their time and efforts. This process will likely stretch well into summer. Thank you for your support.

Respectfully submitted,
Amy L. Everitt,
Chair, Bargaining Committee (Day)

Bargaining Committee (DGCE) – Virginia Rutter

The committee will survey the faculty in September and begin negotiations in January, 2018.

Credential Committee – Joe McAloon

No report.

Elections Committee – Sarah Mabrouk

Election Services Organizations

On February 9, 2017, five (5) election services organizations were invited to submit proposals to conduct the 2018 MSCA Officer Election.

Estimates and information were obtained from the organizations listed below.

- American Arbitration Association (Election Services Page: <https://www.adr.org/ElectionServices>)
- Election-America, Inc. (<http://election-america.com/>)
- M.K. Election Services (<http://mkelections.com/>)
- Survey & Ballot Systems (Voting Services Page:

<https://www.surveyandballot systems.com/services/voting-services/>)

• TrueBallot, Inc. (Election Services Page: <http://www.trueballot.com/trueballot.aspx>)

I spoke with and exchanged emails with representatives from each organization. We discussed the process used to conduct previous MSCA elections as well as the election services available through each organization. Some organizations recommended using a hybrid method (by-mail and online) before transitioning from a paper ballot election to a fully-online election. Two organizations (TrueBallot, Inc. and American Arbitration Association) expressed concerns regarding a union using an online election method; they cited the United States Department of Labor (DOL) as the source of their concerns. I asked these organizations to discuss their concerns in their proposals; I mentioned this to the other organizations and I asked them to discuss their concerns, if any, as well.

DOL and Remote Electronic Voting Systems

In the January 11, 2011 Federal Register, Volume 76, Number 7, (which is accessible at <http://webapps.dol.gov/federalregister/PdfDisplay.aspx?DocId=24597>), the DOL's Office of Labor-Management Standards (OLMS) submitted a request "for information from the public to assist ... in issuing guidelines concerning the use of electronic voting systems in union officer elections". This request included the statement that "Title IV of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA) establishes democratic standards for the conduct of union officer elections", that "the LMRDA does not ... require a particular method or system of voting", and that "labor organizations are free to establish their own methods or systems of voting for officer elections as long as they are consistent with lawful provisions in the union's constitution and bylaws and the provisions of Title IV of the LMRDA." In October 2016, the OLMS released the OLMS Compliance Tip on Electing Union Officers Using Remote Electronic Voting Systems

(https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip_ElectronicVotingSystems_Oct2016.pdf). The purpose of this document is "to explain how the LMRDA's requirements apply when implementing remote electronic voting systems in union officer elections." and it states that the "OLMS will evaluate each electronic voting system that is the subject of a complaint under title IV of the LMRDA on a case-by-case basis to determine whether it meets the requirements of the statute." This document restates that "the LMRDA does not require a particular method or voting system" and that "labor organizations may establish their own methods or systems of voting for officer elections as long as they are consistent with the LMRDA" and "satisfy the LMRDA's standards". This document provides guidance for preserving ballot secrecy, observer rights, records, and the right to vote, and it concludes with statements that "an alternative voting method must be provided, upon request, to any member who does not have access to the electronic voting system" and "remote voting must be implemented in a manner that does not create barriers for individuals with accessibility needs".

Information Provided to Election Services Organizations

Each organization was directed to the MSCA web site (<http://mscaunion.org/>) and the 2016 MSCA Officer Election page (<http://mscaunion.org/2016-msca-officer-election/>) so that they could access the 2016 Election Calendar (http://mscaunion.org/wp-content/uploads/2015/11/2016-Election-Calendar_List_Approved.pdf) and the 2016 Election Rules (http://mscaunion.org/wp-content/uploads/2015/11/2016-Election-Rules_Approved.pdf) as

well as the MSCA Constitution (http://mscaunion.org/about/MSCA_Constitution_2011.pdf) as they prepared their proposals. The organizations were informed that the timing of and the rules for the 2018 MSCA Officer Election will be similar to those for the 2016 MSCA Officer Election and that the calendar and rules for the 2018 election will be approved later in 2017.

Proposal Requests

I requested that each organization submit two separate proposals (in PDF format), one for paper ballot voting and one for online/hybrid voting. In addition, I requested that the proposals include a general discussion of the each process with examples and screen captures (when appropriate) to facilitate comparison of the proposals by the MSCA Board of Directors.

Proposals and Information Received All the organizations had submitted their proposals and information by March 7, 2017.

- American Arbitration Association (submitted files containing letter, RFP, and pricing for by-mail and online voting)
- Election-America, Inc. (submitted same proposal file as for 2016 officer election)
- M.K. Election Services (submitted one proposal file) M.K. Election Services is a new organization formed by Caleb Kleppner (handled 2016 MSCA Officer Election for TrueBallot, Inc.
- Survey & Ballot Systems (submitted files containing detailed proposals for paper ballot election and hybrid election as well as a service agreement)
- TrueBallot, Inc. (submitted files containing proposals for paper ballot election and online election)

Respectfully submitted by
Sarah Mabrouk
Chair, Elections Committee

Grievance Committee – Hemant Pendharker
Dear Colleagues –

Thank you for allowing me to be your Grievance Officer.

During this report, I will not be going in to the details of any grievance and materials confidentially for our aggrieved colleagues.

Based on chapter reports: during this academic year there are about 67 grievances reported, about 15 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, MSCA Chapter presidents are in communication with me and I am (on if not daily, 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):

- Chair responsibility
- Courses not assigned to a department
- Discipline
- Wage for adjunct faculty
- Added consideration
- Appointment of faculty to committees
- Sabbatical denial
- Reappointment denial
- Tenure denial
- Workload calculations
- Promotion denial
- Chair delegating responsibilities
- Assignment of faculty to department
- Faculty summer teaching
- Workload credits
- Offending recommendations in evaluations by the Deans
- Offending recommendations in evaluations by the Chairs
- Inappropriate use of Examination week
- Academic Freedom
- APR violations
- Sabbatical denials
- Department making policies

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.

As of the latest mediation exercise at Worcester this very week, all of the personnel action grievances at Worcester have been resolved. This calls for an applause to Worcester State Administration, just as much!

Grievance Cell has been successful. CJ and I have traveled to other campuses as needed to empower steps I and II hearing processes, as appropriate.

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 continue to not file summer abeyance at the statewide grievance office – my mobile number is with all the chapter presidents. Please do not hesitate to contact me.

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 all 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.

In general, please make note that it is important to file grievances in a timely fashion. If a grievance is not filed within the time-window, it is vulnerable to denial for not filing in time, that they may not visit the actual violation. 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.

Please accept my very best for a restful summer.

Respectfully submitted

Hemant Pendharkar, PhD
Chair, MSCA Grievance Committee

Librarians Committee – Bill Shakalis

Membership:

Caitlin Pereira (Mass Art)
Suzanne Meunier (Framingham)
Pam Hayes-Bohanan (Bridgewater)
Pamela Contakos (MCLA)
Susan Edwards (Salem)
Nancy Turnbull (Fitchburg)
William Shakalis (Worcester) Chair
Oliver Zeff (Westfield) Vice Chair
[vacant] (Mass Maritime)

Several meetings were held during the year, meeting at the Framingham State library. Email and telephone communications occurred.

Nancy George (Salem State) stepped down after 14 years as founder and Chair of the Union Librarians Committee. Her many contributions toward representation of faculty status librarian members of the MSCA across all state universities, was noted and appreciation was acclaimed. We thank her for her hard, persistent and important work on behalf of librarians for these many years.

William Shakalis (Worcester State) was elected Chair, with Oliver Zeff (Westfield State) as Vice Chair starting October, 2016

William Shakalis (Chair) represented the Committee at the monthly MSCA Board of Director meetings.

The Union Librarians Committee worked with the Bargaining Committee determining librarian bargaining language for the new contract starting 2017. This has included dialogue on the issue of flexible scheduling for librarians, and other important assorted librarian-related issues. Libraries reported back regarding the use of Comp time during holiday breaks at their universities. Administration has taken away the Comp time option for all universities. The status of Library Program Areas in unorganized libraries concerns the Committee, and will continue to work towards building LPAs in all libraries. Worcester State has initiated discussions among its librarians and MSCA, with visits by other LPA Chairs.

The proposed *Librarian Observation Form (Appendix E)* remains unresolved. It is in the hands of the Employee Relations Committee and no word back from them at this time. In addition, forms E-2 and E-3 (Evaluation of Library Program Area Chair) listed in the appendix remain unresolved.

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:

- By virtue of the MSCA's size, last May the MTA delegates to the annual meeting approved a second MTA Board seat for the MSCA, which is its own district from region H.
- In November MTA lead the defeat of Question 2, a proposal that would have increased the number of charter schools by 12 every year.
- MTA had a somewhat successful on its recommended statewide House and Senate elections.
- An omnibus higher education bill was filed as part of MTA's legislative agenda in December/January. The bill included increased funding for the institutions, increases in scholarship funding, increase the number of full-time, tenure-track faculty positions for some institutions, and provide health and pension benefits for part-time faculty.
- At its March meeting the MTA Board has recommended no dues increase, but shifts \$10 from the control of the Public Relations and Organizing Committee to the Main budget, will a significant amount going to replenish reserves after drawing funds for the Question 2 campaign.

- MTA held a higher education bargaining summit in April.
- MTA will be participating in a “Rally for Public Education” from 2-5 pm on the Saturday, May 20th.
- The MTA Summer Conference will be held at UMass Amherst from July 30th through August 3rd.

I do have to report that I feel the Board is more factional than it was several years ago, but this is not unusual for unions after having gone through contentious elections. The MSCA has been had similar periods.

BHE/MTA Health and Welfare Trust – Nancy George

The Board of Higher Education/MTA Health and Welfare Trust Fund administer 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 as treasurer of the Trust.

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. Coverage is up to the annual maximum benefit of \$1,200. Negotiations have just ended for the MetLife renewal and there will be a 1% increase in the premium cost this coming year. Our average loss ratio was 88% from July 2016-March 2017; our typical loss ratio for the end of the fiscal year months is 99%. Our rate cap was negotiated at 5% FY2019, 6% FY2020.

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 also employs Jack Nicolas, of KD Consulting Group, as our negotiator/consultant. The monthly reports to the trust are very comprehensive and informative and the consultant is extremely helpful to the Trustees at both Trust meetings and Financial Committee meetings.

Financial activities in the past year:

Changed investment strategy with UBS to include stocks to our portfolio and a transfer of funds to our EBSB account to further diversify our portfolio;
An audit was performed by Whittlesey & Hadley, P.C.;
KD Consulting and I have investigated payment accuracy from state entities with follow up to at least one state institution;
IRS tax forms 5500 and 990 were filed in a timely fashion.

Final Report of the Credentials Committee

Sarah Mabrouk, Framingham/MSCA Chapter, delivered the final Credentials Committee Report: 36 registered delegates, 4 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

Proposed Divestment in Fossil Fuel Investments from the State Pension Fund

It was moved and seconded to support H3281, *An Act Relative to Public Investment in Fossil Fuels*. The motion passed.

MTA Director Endorsement

It was moved and seconded that the MSCA endorse candidate Candice Shivers for MTA Director. The motion passed.

Adjournment

The meeting adjourned at 6:00 pm.

Respectfully submitted,
Nancy George
MSCA Secretary