

**Massachusetts State College Association
Delegate Assembly
April 27, 2013
Westfield 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 and Nancy George (Amy Everitt was not present); Michael Malamut, the Parliamentarian; Katherine Pomeroy, the Stenographer, Dunn Reporting Services; Evan Dobelle, President, Westfield State University; and from the MTA, Donna Sirutis. Special thanks went to Roberta Govoni for her work in making the arrangements for the meeting and help at registration; and Joanne Bigelow, the Director of Special Events and Conference Planning at Westfield State University, and Buzz Hoagland, Chapter President, Westfield Chapter, for their work in helping with the on-site arrangements. Thanks were given to all delegates who gave up the traditional beautiful last Saturday in April to represent their colleagues and conduct the business of the union.

Dr. Evan Dobelle, President of Westfield State University, delivered greetings to the Assembly on behalf of Westfield State University.

Buzz Hoagland, Westfield Chapter President, delivered the welcoming comments to the Assembly on behalf of the Westfield/MSCA Chapter.

First Report of the Credentials Committee:

Jean Stonehouse, Chair of the MSCA Credentials Committee, delivered the first Credentials Committee Report: 29 registered delegates, 8 guests. It was moved and seconded to adopt the report. The motion passed.

It was moved and seconded to adopt the Assembly Standing Rules as received. The motion passed.

It was moved and seconded to adopt the Assembly Agenda as received. The motion passed.

It was moved and seconded to accept the Minutes of the April 28, 2012 Delegate Assembly. The motion passed.

MSCA Officers' Reports

President's Report – C.J. O'Donnell

I would like to express what an honor it has been to serve as President of the Massachusetts State College Association these last five years. The professionalism and dedication of the MSCA Officers, Chapter Presidents, Board Directors and staff continues to impress me.

I would also like to express the great appreciation the Board and I have for the two outstanding MTA consultants assigned to the MSCA, **Donna Sirutis** for the day unit and **Bob Whalen** for the DGCE unit. Donna will be retiring this summer and all of us will be sad to see her go, but are very appreciative of the time she has been with the MSCA.

Items this year:

Collective Bargaining Agreements

As you know, both collective bargaining agreements were settled and ratified prior to the 2012 Delegate Assembly. There have been no reported problems with salary or stipend increases under either agreement. We do not anticipate any implementation issues this upcoming year. Both the governor's and the House's budget recommendations for FY 2014 include collective bargaining reserves to pay next fiscal year's day unit increases. We believe that the Senate's FY 2014 budget recommendation will also contain these reserves. DGCE unit increases are funded by the universities.

The next increases under the day agreement are a formulary increase on July 1, 2013 followed by a 1.75% across-the-board increase on that same date. The final increase under the 2012-2014 day agreement will be a 1.75% across-the-board increase on January 1, 2014.

The latest increase under the DGCE agreement was a 3% across-the-board increase that took effect at the beginning of the Spring 2013 semester. The final increase under the 2012-2014 agreement will be a 3% across-the-board increase at the beginning of the Spring 2014 instructional period.

Printed copies of both agreements are available in your chapter office or you can contact my office for copies. Both agreements are posted on the MSCA website (mscaunion.org) in PDF format.

Sabbatical Bill

The Sabbatical Bill was signed into law in December. To remind you this reduces the number of years of service to be eligible for a sabbatical leave from seven to six and removes the penalty for deferrals. Management, in particular the Executive Officer of the State University Council of Presidents, Vincent Pedone, was very helpful in removing snags along the way.

ORP Opt-Out Update

As you know an opportunity to opt out of the Optional Retirement Plan (ORP) and into, or back into, the State Employee Retirement System was included in the governor's pension reform passed in November 2011. As required in that legislation, a private ruling letter has been sent to the IRS. A response to that letter has not yet been received. An affirmative ruling by the IRS is what is required in order for members to begin the process that would ultimately allow them to opt out of the ORP if they wish to do so.

Post-Tenure Review

PTR results were released earlier this month. The MSCA worked diligently with management to ensure that reporting errors and eligibility problems that occurred last year were not repeated.

There were no errors this year. The initial results (before reconsiderations and appeals) are reported below.

University	Reviewed	6%	3%	0%
Bridgewater	23	22	1	0
Fitchburg	12	6	5	1
Framingham	9	9	0	0
Mass Art	11	9	2	0
MCLA	5	4	1	0
Mass Maritime	12	11	1	0
Salem	25	14	10	1
Westfield	19	19	0	0
Worcester	14	12	2	0
Total	130	106	22	2

We have requested data that will be used to compute the minimum PTR expenditures required of each university during the 2013-2014 cycle.

Department Chairs

The Department Chair Handbook was revised and distributed this winter. A joint MSCA-management Department Chair Workshop that was conducted at Framingham State University last week, about 75 people attended.

Release of Vision Project Report

On September 20th Higher Education Commissioner Richard Freeland released the first Vision Project report. I worked with MTA and other MTA-affiliated leaders to put together a critique of the Vision Project in the summer of 2012 in advance of its release.

Health Care “Reform”

As part of the pension reform that passed in November 2011 a special commission was put together to study retiree health care and other non-pension benefits. The commission released its report and recommendations on January 11th. MTA leadership publically announced its support for the recommendations prior to the MTA Board of Directors taking a position on them.

On January 24th the MSCA Board of Directors passed the following motion:

The MSCA opposes any legislation that would adversely affect current MSCA members' health care coverage upon retirement, or the percentage of premiums to be paid upon retirement, particularly the changes recommended in the report released in January 2013 by the commission established to study non-pension benefits.

On January 26th the MTA Board voted to support the commission's recommendations with many higher education members of the Board voting against the motion.

On February 12th the governor submitted to the legislature a bill entitled "An Act providing retiree healthcare reform." The bill, H59, would implement the commission's recommendations that would require state and municipal employees to work 20 years rather than 10 years in order to receive subsidized health insurance upon retirement, and work 30 years to receive the level of subsidized benefits that they would now receive after 10 years. Needless to say, this bill would adversely affect a large number of MSCA members, and higher education members in particular.

The Higher Education Leadership Council (HELIC) is composed of MTA-affiliated higher education union presidents and other elected higher education union leaders. On February 15th I brought forward to HELIC a motion similar to the one passed by the MSCA Board and HELIC unanimously passed a motion nearly identical to the MSCA's motion.

A number of other statewide unions – including the National Association of Government Employees (NAGE), the Massachusetts Nurses Association (MNA), the Massachusetts Organization of State Engineers and Scientists (MOSES) and nearly every MTA-affiliated higher education union – have announced their opposition to the governor's legislation.

A new business item will be offered on the floor of the MTA Annual Meeting held May 10th and 11th in Boston asking the delegates to reverse MTA's support of this legislation. The MSCA has 47 delegates scheduled to attend this year. The MSCA usually has 25 to 30 delegates attend.

The Board has authorized investigating entering into an agreement with a person to serve as a lobbyist to fight the proposed health care "reform" legislation.

Items for the upcoming year:

The MSCA Board has discussed an organizing campaign to improve member advocacy with elected officials, particularly the legislature and union affiliation. We have seen an increasing number of agency fee paying unit members, particularly among full-time members. We hope to have a plan in place for September.

The Board has authorized investigating entering into an agreement with an individual to serve as a communications director.

The Day Bargaining Committee will begin to formulate an initial for proposal this fall and we will begin negotiations in the winter.

Vice President's Report – Amy Everitt

As the year comes to a close, I would like to take the opportunity to thank members for their continued support. Unfortunately, due to conflicts with my national conference and presentation schedule, I am unable to attend this year's Delegate Assembly. Please accept this written report in my absence.

The MSCA Vice President is identified as the officer responsible for the MSCA Conflict of Interest Policy that states that *“MSCA officials have a fiduciary obligation to act in the best interests of MSCA. The purpose of this Conflict of Interest Policy for MSCA Officials (‘CI Policy’) is to provide guidance to MSCA officials in complying with this fiduciary obligation.”*

A second policy known as the MSCA Whistleblower Policy states that *“MSCA officials are obligated to comply with the MSCA Constitution and all relevant legal requirements in carrying out their MSCA responsibilities. A failure to meet these obligations – whether intentional or inadvertent – can have adverse consequences for the reputation and operation of MSCA. The purpose of Whistleblower Policy (‘WB Policy’) is to establish a procedure by means of which any such failures can be brought to the attention of MSCA, so that appropriate action can be taken.”* The Whistleblower policy charges the MSCA Vice President with implementing, monitoring, reporting, and making recommendations to the MSCA Board of Directors as appropriate. Full text of the policies is located on the MSCA website.

I am pleased to report today that there were no reported incidents with regard to the CI Policy or the Whistleblower Policy.

In addition to my responsibilities as CI and Whistleblower Officer, I have represented the MSCA monthly as a member of the Employee Relations Committee. I also had the opportunity to work with Representative John Keenan regarding the Sabbatical Repeal bill. After an aggressive pursuit by the MSCA, this important change in the law has crossed the finish line and our members now have parity with colleagues in other systems with regard to sabbatical leaves. Finally, it has been a pleasure to assist our President, C. J. O’Donnell, when his busy schedule has conflicts. Again, I would like to express my sincere appreciate for your support. It has been an honor to serve as the MSCA Vice President and I look forward to continuing in this role next year. I wish you all the best for a successful Delegate Assembly.

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.

During the Spring semester I supervised the nomination/election process for the 2013 NEA Representative Assembly to be held this coming summer in Atlanta, GA. I would like to congratulate those members who will represent the MSCA at the NEA-RA this year:

Ron Colbert, Fitchburg
Gerry Concannon, Mass Maritime
Joe Ebiware, MCLA

Massoud Farahbakhsh, Salem
William Fay, Bridgewater
Len Paolillo, MCLA

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 2014 budget, as described in the Treasurer's Report. The motion passed.

It was moved and seconded to adopt the proposed FY 2014 dues as described in the Treasurer's Report. The motion passed.

Second Report of the Credentials Committee

Jean Stonehouse, Chair of the MSCA Credentials Committee, delivered the second Credentials Committee Report: 31 registered delegates, 7 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) – Dan Shartin

No report.

Bargaining Committee (DGCE) – Sue Dargan

No report.

Elections Committee – Robert Donohue

No report.

Grievance Committee – Sandra Faiman-Silva

The statewide Grievance Committee handles day and DGCE contract grievances that move to Step 3 and Step 4 on each of the nine campuses. The committee schedules monthly meetings as necessary, to which grievants are invited to discuss their grievances and committee members vote on whether grievances merit being moved to Step 3 (mediation) and Step 4 (arbitration). If grievances are not successfully mediated at Step 3, the committee may revisit the grievance to determine suitability for Step 4. In this report I detail the work of the MSCA Grievance Committee, mediations, and arbitrations from April 28, 2012 through April 27, 2013.

In an era of drastically decreased union numbers, especially in the private sector, along with increasing suspicion of unions nationwide and vociferous assaults on union rights, the grievance process is crucial to a strong union movement. Grievances represent the process through which members' rights are protected. Fundamental to the grievance process is that each contract provision, regardless of the nature of that provision, should be protected, and when provisions are violated grievance filings are warranted. Otherwise a signal is sent to management that the union does not view particular contract provisions as worthy of fighting for, thereby undermining the strength of our MSCA/BHE collective bargaining agreements. This requires that Grievance Officers from each of the nine campuses are familiar with lengthy and very complicated contracts.

The committee is assisted by MTA consultants, Donna Sirutis (day contract) and Robert Whalen (DGCE contract), who provide the committee with contract information, background, and interpretation of various contract provisions.

Grievance Committee Meetings: September 20 and December 6, 2012; February 20 and April 25, 2013

The committee met on four occasions to review and vote on grievances pending at Step 3. Forty-eight grievances were handled by the committee, including two consolidated grievances, 35 individual grievances, ten chapter grievances, and one DGCE grievance. Grievances were filed on added consideration (Bridgewater), promotion and tenure denials (Bridgewater and Salem), non-reappointment (Bridgewater), denial of chair's appointment (WSU), day schedules (Bridgewater), travel reimbursement (Bridgewater), termination (MassArt), classroom space (MassArt), and governance committee appointments (MassArt).

Chapter grievance filings

Approximately 86 grievances were filed on the nine campuses and reached the Grievance Committee, with the majority of filings at Bridgewater (29). The following campuses had no grievances that reached the Grievance Committee: MCLA and MMA. Issues included tenure and promotion denials, reappointment, added consideration, evaluations, appointment to a search committee, day and evening scheduling. Approximately 14 grievances were resolved informally on the nine campuses. Issues included classroom space, added consideration, window repair, tenure denial.

Statewide grievance meetings provide opportunities for education and training about grievance filings, review of campus grievances, and opportunities to share issues and problems on each campus. Attendance at Grievance Committee meetings has improved substantially, and new Grievance Officers are working hard to understand the very complicated day and DGCE contracts.

Campus advocacy

Grievance Officers work diligently to resolve matters at Step 1 and Step 2, often assisted by Chapter Presidents. Grievance Officers on each campus must familiarize themselves with two contracts, day and DGCE, each of which contains complicated and detailed provisions related to the myriad of work-related issues, ranging from working conditions and pay to tenure and post-

tenure review. Step 1 hearings are meant to resolve contract-related problems informally. Grievance Committee meetings provide grievance officers opportunities to discuss the MSCA CBA contract provisions, and grievances on their campuses.

Much appreciation is owed to the following members for their advocacy at their respective institutions during the past year: Jean Stonehouse, Glenda Ouellette, Sean Goodlett, Robert Donohue, Greg Wallace, Sam Schlosberg, Dana Rapp, Joseph Murphy, Caitlin Corbett, Amy Everitt, Gregg Neikirk, Ken Haar, Buzz Hoagland, Hemant Pendharkar and Dan Shartin.

Additionally, MSCA President C. J. O'Donnell deserves credit for his contributions to the resolution of disputes throughout the system. The services of MTA Consultants Donna Sirutis, who assists with day contract grievances, and Robert Whalen, DGCE Contract consultant, are most appreciated. MSCA Grievance Office Manager, Chris Melin, is also thanked for her assistance through the Salem Chapter office.

Resolutions after Step 2

Fifteen mediation and arbitration dates were scheduled, with ten mediation dates and five arbitration dates. Mediations were scheduled at Bridgewater (6), Salem (1) and MassArt (1). Arbitrations were scheduled at Bridgewater (3) and Salem (2). Three mediation or arbitration dates were cancelled.

Mediation

Of approximately 43 grievances that were mediated during this period, approximately 27 were not settled. Grievances that were settled pertained to tenure and promotion denials, modular programming, added consideration, reappointment denial, committee appointments, and space needs. Grievances not settled at mediation pertained to tenure denial, promotion denials, added consideration, day and winter term course scheduling.

The MSCA is using the services of the Massachusetts Board of Conciliation and Arbitration for grievance mediation, at substantial cost savings to the parties. We are assessing the efficacy of this service before deciding to continue or to expand its use.

Post-mediation settlements

Efforts to settle grievances pertaining to added consideration (Bridgewater), promotion denials (Bridgewater), and space allocation issues (MassArt) continue.

Arbitration

A. Arbitrations scheduled and/or conducted

Four arbitrations were scheduled, and three were held, one at Salem and two at Bridgewater.

B. Tenure Denials (2) at Bridgewater

Two tenure denials at Bridgewater were settled at or prior to the scheduled arbitrations.

- C. AACSB-related Grievances at Salem
An arbitration on AACSB accreditation-related individual and chapter grievances went to arbitration in May, 2012, and the Arbitrator's decision was not favorable to the two grievants or the chapter.
- D. Promotion denial at Westfield
A promotion denial was arbitrated at Westfield, and briefs are pending.
- E. Promotion denial at Framingham
A promotion denial at Framingham was settled before an arbitration scheduled for May, 2013.

Consolidated Grievances

Consolidated grievances are filed when issues pertain to all nine campuses. Two consolidated grievances were filed. One was filed pertaining to the appointment to the Civic Engagement and Education Study Group without consultation. This grievance is in abeyance.

Department of Labor Relations

This is the state agency that enforces the Massachusetts public sector collective bargaining law, Chapter 150E. The DLR rules on unfair labor practices as well as questions of bargaining unit composition and union representation.

No new cases were filed with the DLR this academic year. One case is pending, the unfair labor practice charge dealing with the 15% part-time imitation. We are awaiting the decision from the DLR.

Complaints against unit members

From time to time unit members are the targets of complaints, for example, in a grade dispute or where discrimination is alleged. The MSCA and MTA can be of assistance to the individual and the Chapter in providing guidance and support in such crises.

If you have questions about grievances or other employment-related matters, please contact your campus Grievance Officer or your Chapter President promptly. If you have questions about this report, please contact Sandra Faiman-Silva at **sfaiman@aol.com** or Donna Sirutis at **dsirutis@massteacher.org**.

Legislation Committee

No report.

Librarians Committee – Nancy George

Committee Membership:

The committee membership included the following MSCA members:

Pamela Contakos (MCLA), Millie Gonzalez (Framingham), Nancy George (Salem), Pamela Hayes-Bohanan (Bridgewater), Brian Hubbard (Westfield), Gabrielle Reed (MassArt), Bill Shakalis (Worcester), Nancy Turnbull (Fitchburg). 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 had one in-person meeting and communicated via email this past year.

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

Activities:

Self Service Time and Attendance (SSTA)

Chair Nancy George was involved in discussions and presentations with MSCA leadership and the Department of Higher Education on the state's Self Service Time and Attendance (SSTA) system. There were a number of librarian issues regarding SSTA that the committee discussed and relayed to MSCA leadership.

De-Professionalization of MSCA Librarians

There have been recent personnel decisions in the state university system that hired MLS librarians into non-MSCA positions, or replaced a MSCA librarian position with a non-librarian (APA) position. Of particular concern are those non-MSCA positions that contain responsibilities mirroring those of MSCA librarian position descriptions.

The committee is extremely concerned about this situation and has had dialog with the MSCA Board and MTA Consultant, Donna Sirutis, on strategies which may be used to oppose this hiring practice in the future. In addition, the committee recommended that the MSCA/MTA send the Department of Higher Education a letter regarding potential conflicts between AFSCME library positions and professional librarian positions within the MSCA.

Virtual Meeting Software

At a recent MSCA Board meeting, Chair Nancy George briefly described and offered to find out more information on virtual meeting software. She will present the information at a future MSCA Board meeting. The committee has used Skype in the past for attendees who can not make in-person meetings.

Massachusetts Teachers Association - Reports

MTA Director – Ron Colbert

I would like to express my appreciation for this opportunity to represent Massachusetts State College Association (MSCA) faculty and librarians on the Massachusetts Teacher Association (MTA) Board of Directors (45H). I am very grateful for the many monthly opportunities to meet with the MSCA Executive Committee to discuss issues important to our members, and to be a representative to the Higher Education Leadership Council that also meets monthly in Auburn, MA. On June 30 of this year, I will be leaving the position of Director.

I believe the demand for an active Director on the MTA Board will become increasingly important. The MTA continues to make decisions on issues of significance to our higher education members. The MSCA has one MTA Director vote, and I have continually worked to collaborate with the community college and university system directors as well as our PK-12 colleagues.

It appears clear to me, as a thirty-five year member of the MTA, that we are emerging as a new MTA. The MTA is being reinvented with a new age. Our union's strategic plan is moving beyond the typical traditional labor-management antagonisms and more toward political activism. Be assured that the MTA will continue to address our concerns in higher education. We are fortunate to have strong leaders who serve our MSCA and our local campuses. I am grateful to leaders like CJ O'Donnell, Amy Everitt, Glenn Pavlicek, Nancy George and all of our local Presidents and Vice Presidents. I am grateful to Donna Sirutis of the MTA Staff. These folks have been invaluable to me in my deliberations on the MTA Board, and to them I extend my deepest gratitude.

Since our last Annual Delegate Assembly, the Directors have focused their efforts on accomplishing some important tasks: accountability for the quality of teachers and learning in schools through the adoption of a new evaluation system; implementation of the Common Core, RETELL, health and retirement benefits; political action decisions; and the generalized decisions regarding finance, appointments, and policy of the organization.

Although I am leaving my current role as your MTA director, I look forward to continuing a relationship with both you and all of our dedicated higher education members, as I will be serving as the newly elected member of the MTA Executive Committee.

BHE/MTA Health and Welfare Trust - Glenn Pavlicek

The Board of Higher Education/Mass Teachers Association 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. Currently, the fund represents approximately 8500 individuals who hold either individual or family dental plans. Funding is provided solely by negotiated state contributions of between \$13.50 and \$14.00 per week per employee (depending on the bargaining unit to which the employee belongs). In the case of the MSCA, all full time faculty and librarians, clinical nursing instructors and part-time benefitted faculty at Mass College of Art and Design are covered by the plan.

The Dental Plan is currently administered by MetLife. As of July 1, 2012, we extended benefits to all children up until their 26th birthday, regardless of whether or not they are full time students. Any members having issues with their dental or vision plans can contact any Trustee who can put them in touch with either McKenzie and Company (eligibility manager for the trust) or with our direct representative at MetLife.

Final Report of the Credentials Committee

Jean Stonehouse, Chair of the MSCA Credentials Committee, delivered the final Credentials Committee Report: 32 registered delegates, 7 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

It was moved and seconded to take up a new business item related to creating a special investment advisory committee. The motion passed.

It was moved and seconded that the delegate assembly create a special advisory investment committee comprised of a member from each chapter. The committee shall report to the Board two times per year. The MSCA Treasurer shall serve as an ex-officio member of the committee. This committee would exist for two years.
The motion passed.

Adjournment

The meeting adjourned at 12:35 p.m.

Respectfully submitted,
Nancy George
MSCA Secretary