

**MSCA Board of Directors Meeting
Minutes of the Regular Meeting
April 24, 2015
Massachusetts College of Art & Design**

Present:

Berg, Bullens, Colligan, Concannon, Donohue, Eve, Matchak, O'Donnell, Payne, Resnik, Rutter, Washington

Guests:

Hemant Pendharkar (Worcester), Bob Whalen (MTA)

Approval of the Orders of the Day and the Minutes:

By unanimous consent the agenda was amended to move the report of the Grievance Committee Chair to the last item of business, and to add a new business item regarding day bargaining.

It was moved and seconded to approve the orders of the day as amended.

The original motion passed.

It was moved and seconded to approve the minutes of the April 3, 2015 meeting. The motion passed.

MSCA Officers' Reports

President's Report – C. J. O'Donnell

Duplication of the 2014-2017 Day Collective Bargaining Agreement:

The MSCA continues to wait for management signatures.

July 1, 2014 Formulary Increases:

Victor Ng at the DHE continues to work with the universities to verify final data. The increases will be in the May 8th pay advice. We will then begin to work on the July 1, 2015 formulary increases.

2014-2015 Post-Tenure Review Payments:

I believe this year's post-tenure review payments will be included in the May 22nd pay advice. I remind chapter presidents that as changes to PTR decisions are made please report them to me.

Status of the DLR decision on the 15% Rule:

To date four universities have been in touch with President O'Donnell asking for our assistance with working out a way – within the terms of the contract – to come into compliance as soon as possible.

FY 2016 Budget:

The proposed House budget was released last week. Funding for the universities is not substantially different than Governor Baker's proposal, which proposed a 3% "increase" in the state university line items. This increase is not over last year's initial appropriation but rather on the appropriation after 9C cuts were applied. The House budget also does not include this year's collective bargaining costs.

There are hundreds of amendments to the proposed House budget, including an amendment that would set up an \$8.8 million collective bargaining reserve (#766 Garballey), one that would add \$3.6 million to the university line items (#910 Sannicandro), and one that would increase the Performance Incentive Fund pool by \$1 million (#241 Garballey).

The amendments will be voted on Tuesday or Wednesday. MTA should be putting out a CapWiz notice to support most education amendments including higher education amendments.

President O'Donnell reported that several universities missed the April 8, 2015 deadline to notify candidates for personnel actions if deans would be assigned the responsibility for conducting evaluations. It is known that Bridgewater and Westfield met the deadline. President asked the chapter presidents inquire at the universities where it was now known. He also said he would provide a grievance template that the chapters could use to file a chapter grievance in the deadline was missed and the university insisted that the evaluations would be delegated to deans.

President O'Donnell distributed a draft 2015-2016 Board meeting schedule for members to look over and to vote on at the June meeting.

Vice President – Robert Donohue

Vice President Donohue reported that interviews for the BHE Commissioner were conducted recently.

Treasurer's Report – C. J. O'Donnell

In the absence of Treasurer Pavlicek President O'Donnell distributed the monthly expenditure report.

Secretary – Nancy George

Secretary George was not in attendance in order to attend the Health and Welfare Trust meeting in Auburn

MSCA Committee Reports

DGCE Bargaining – Don Bullens

Chair Bullens reported that the first mediation session will be held on May 12th at the offices of Rubin and Rudman in Boston.

Grievance – Hemant Pendharkar

Chair Pendharkar reported that the plan to make available Board members to assist with Step 1 and Step 2 grievances in moving forward. He also discussed recent and upcoming mediations.

MTA Reports:

MTA – Bob Whalen

Consultant Whalen reported on the bargaining conference he recently attended in NYC sponsored by the National Center for the Study of Collective Bargaining in Higher Education and the Professions at which was discussed the DLR's recent ruling on the MSCA's 15% rule. Discussion followed.

He reported that mediations at some universities have been unproductive.

Consultant Whalen reminded the Board of the pending Harris v. Quinn case before the U.S. Supreme Court. Efforts should be made to inform agency fee paying unit members of the benefits of union membership.

Health and Welfare Trust – Nancy George

Trustee George was attending a trust meeting in Auburn.

MTA Board of Directors – C. J. O'Donnell

Board member O'Donnell reported that there was no new news from the MTA Board, but reminded Board members that the MSCA will be making efforts to affect a change in the proposed MTA FY 2016 budget to maintain dues at their current level.

Chapter President Reports:

Worcester:

Chapter President Bullens A grievance regarding a policy on assigning grades of incomplete has been denied, but the policy has been rescinded. One 3% PTR decision has been increased to 6% and that two more cases are pending. The chapter has filed a grievance regarding the provost's notice of delegation of evaluations to deans that was sent out on April 17th, long after the required April 8th deadline.

Westfield:

Not present.

Salem:

Chapter President Matchak reported on the University's desire to conduct a parking "lottery" as a new 750 space parking garage is constructed. One PTR 3% has been changed to 6%, other cases are pending.

MMA:

Chapter President Concannon reported that there were 43 applicants for the Presidential search and that the Trustees intend to have a successor named in June.

MCLA:

Chapter President Colligan reported that the Trustees recently held a community meeting after the person selected as the new President withdrew after having been named. A new Vice President for Student Affairs will be named next week.

MassArt:

Chapter President Resnik reported that James Mason has been elected as the new Chapter President, that Director Washington was reelected and that a number of new Executive Board members have been elected. The Board of Trustees has appointed a committee to form a search committee for the Presidential search. A Title IX coordinator is undergoing a background search prior to being named.

Framingham:

Chapter President Donohue reported that the 15% ruling has created internal conflict between the academic affairs and the financial affairs offices. The only criteria for hiring full-time faculty will be the 15% rule. A special-case committee has been established to develop a policy on dealing with students who may require support beyond accommodations typically offered.

Fitchburg:

Chapter Director reported that three 3% PTR decisions have been increased to 6%.

Bridgewater:

Chapter President Payne reported that one 3% PTR decision has been increased to 6%. The administration is creating a new administrative position, Dean of DGCE. Deans have met with faculty and department chairs regarding the 15% rule asking how to solve the problem at no cost. The Executive Board has increased from 9 members to 24 members. The Child Care abuse case has been a topic of discussion on campus. The administration recently increased DGCE fees by \$1,000 and then removed the increase from the website. Chapter President Payne was recently interviewed by the university newspaper regarding the 15% rule.

New Business:

Day Bargaining:

It was moved and seconded to go into executive session for the purpose of discussing collective bargaining. The motion passed.

It was moved and seconded to come out of executive session. The motion passed.

Salary Study by Gender:

A discussion took place regarding recent requests by members at Fitchburg and Framingham to do a salary study to see if there are inequities by sex. The inquiries were prompted by a recent NEA report.

President O'Donnell said that it was his understanding that the Minimum Salary Formula was the result of a lawsuit filed in 1985.

It was reported that there had recently been a study in the STEM field at Bridgewater State University.

Discussions about assistance, financially or personnel, with the study was raised.

It was moved and seconded that President O'Donnell inquire about resources available from MTA and/or NEA to conduct a salary study by gender, race and ethnicity inequalities in salary and personnel actions, include post-tenure review. The motion passed unanimously.

Status of research on the MSCA becoming the certified bargaining agent (added from the floor):
President O'Donnell reported that two new attorneys had been hired by the MTA Legal Division and that one of them has been assigned the case for research. Discussion followed.

Chapter responsibilities regarding Title IX (added from the floor):
Salem Chapter President Matchak asks for information regarding the chapter's obligations under Title IX. Consultant Whalen review responsibilities.

MTA new business item on divestiture in fund holding fossil fuel equities (added from the floor):
President O'Donnell reported that the recent email that he assumed was from MTA was in fact from an individual not affiliated with MTA and that the individual emailed members of the MTA Board of Directors by obtaining email addresses from the MTA website.

The meeting adjourned at 1:15 pm.

Respectfully submitted,

Robert Donohue
MSCA Secretary pro tem