

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is made this 28th day of July 2016, by and between the Board of Higher Education acting by the Council of Presidents of the State Universities (jointly, "the Board") and the Massachusetts Teachers Association, acting by the Massachusetts State College Association (jointly, "the Association").

WHEREAS, the Board and the Association are parties to a collective bargaining agreement effective July 1, 2014; and

WHEREAS, the Board and the Association wish to provide an incentive to encourage the voluntary retirement of certain unit members,

NOW, THEREFORE, in consideration of the foregoing premises and of the mutual covenants hereinafter set down, the Board and the Association hereby agree a Retirement Incentive Program ("Program") as follows:

1. The individual state university presidents may elect to have their University participate in the Retirement Incentive Program and to offer retirement incentives to MSCA unit members in accordance with this Memorandum. The President will inform the MSCA state-wide and chapter president as well as unit members employed at its university no later than August 15, 2016 if he/she intends to participate in the Program. If a university participates in the Program it shall allow unit members at least sixty (60) days to announce their intention to participate in the Program.
2. A President may elect, at his/her sole discretion, to make incentives available to unit members. Incentives may be made available to unit members who apply and leave service at the conclusion of the Fall 2016 semester, and/or to unit members who apply and leave service at the conclusion of the Spring 2017 semester. A unit member who has elected to leave service at the end of the Fall 2016 semester, and who then wishes to change this election to the conclusion of the Spring 2017 semester may do so only with the agreement of the president.
3. A unit member who informed the University after January 1, 2016 of his/her intention to retire at the conclusion of the Fall 2016 semester or the Spring 2017 semester will be eligible to participate in this Program.
4. To be eligible to participate in this incentive program, in addition to the other requirements for participation contained herein, the unit member must:
 - a. Be a full-time, tenured or tenure-track unit member or a salaried part-time faculty member employed or on an approved leave of absence for the Fall 2016 semester;
 - b. Be eligible by his/her retirement date to retire pursuant to the requirements of the State Retirement Board or Optional Retirement Plan; and

- c. Resign his/her position for the purpose of retiring from service or deferring retirement in accordance with the requirements of the State Retirement Act on or before the date(s) established by the president.
5. The value of the incentive payment will be based upon the employee's years of creditable service for purposes of retirement that the unit member has accrued at Massachusetts public higher education institutions. The unit member must have accrued at least ten (10) years of creditable service as a unit member at the state university where the unit member is presently employed. The payments available are:
 - \$20,000 for eligible employees with thirty (30) or more years of creditable service as of the employee's date of resignation;
 - \$18,000 for eligible employees with twenty-five (25) or more years of creditable service, but less than thirty (30) years of creditable service as of the employee's date of resignation;
 - \$15,000 for eligible employees with twenty (20) or more years of creditable service than but less than twenty-five (25) years of creditable service as of the employee's date of resignation; or,
 - \$10,000 for eligible employees with less than twenty (20) but at least ten (10) years of creditable service as of the employee's date of resignation.
6. The university president may elect to limit the number or total funding of incentives available to MSCA unit members. The university president shall notify the chapter president of such a limit by September 21, 2016, for unit members retiring at the conclusion of the Fall 2016, semester, and by January 25, 2017, for unit members retiring at the conclusion of the Spring 2017 semester. In the event more employees in the bargaining unit seek to receive incentives than the president intends to grant to MSCA unit members, the president shall grant incentives on the basis of the greatest seniority, as defined in Article X, Section C(4) of the collective bargaining agreement.
7. The employer waives the requirement of 90-days' notice necessary to receive the sick-leave buy-back for those unit members participating in this Program.
8. The employer waives the requirement of Article XV, Section C, that a member on, or having returned from, a sabbatical leave provide further service to the University for unit members applying for this Program.
9. The Commonwealth will withhold taxes from the incentive payment. The Commonwealth will not regard the incentive payment as regular compensation for purposes of determining a unit member's retirement allowance.
10. If a unit member who receives a Retirement Incentive accepts employment with an executive branch agency (including an institution of public higher education), the unit member shall return the incentive payment. Unit members participating in this Program

may teach on a part-time basis (but not on a salaried part-time basis), or in DGCE, or may accept part-time state employment in other than a teaching or librarian position subject to the limitation provided by state law.

11. Should the Commonwealth of Massachusetts enact a Retirement Incentive Plan which allows for either an increase in the employee's pension or provides a cash incentive to MSCA unit members, employees will not be eligible to participate in both the Program described in this Memorandum and the Commonwealth's plan.

WHEREFORE, the parties hereto hereunder set their signs and seals on the date first above written.

BOARD OF HIGHER EDUCATION

MASSACHUSETTS TEACHERS
ASSOCIATION

By: _____
Carlos E. Santiago,
Commissioner

By: _____
Christopher J. O'Donnell
President, Massachusetts
State College Association