An Open Letter to Governor Romney
Concerning MSCA Negotiations
Patricia V. Markunas, MSCA President

Dear Governor Romney:

At its meeting of September 5th, the Board of Directors of the Massachusetts State College Association voted unanimously to designate as a legislative priority the funding for the 23 collective bargaining agreements covering 15,500 employees in public higher education that were vetoed by your predecessor in July 2002. Since that time, an intensive legislative strategy has been pursued and we are working in close conjunction with representatives of both management and labor as part of that strategy.

The urgency of the need to confront this impasse is articulated in the enclosed copy of an op-ed piece that was published in the October 8th edition of the Boston Globe (posted on the MSCA website). The goals of the collective bargaining agreement, which was fully funded in December 2001, expired on June 30, 2003. We met several times over the summer with your representatives at the bargaining table but were unable to reach an agreement on a one-year extension with even a nominal comprehensive pay increase.

Unlike other collective bargaining agreements with which you may be familiar, ours does not include any

cost of living or step increases. This lack of COLA and step increases characterizes nearly all contracts that cover higher education faculty in Massachusetts. Every year without a comprehensive pay increase is really a salary decrease for us and for our colleagues at the University and community colleges. The recent increase in health insurance premiums paid by state employees compounds this problem. Despite the full funding of our agreement two years ago, our salaries continue to lag behind those of our colleagues at institutions defined as our academic peers by the Board of Higher Education. Enclosed please find the results of salary analyses that were conducted for us by JBL Associates, a research consulting firm in Washington, DC. Two different methodologies were used: one by JBL, which relies on absolute differences in the cost of living between our colleges and those of our peers, and one from ACCRA, which uses relative differences between the two groups of colleges (published in the October 2003 issue of the Perspective).

Regardless of the methodology used, current salaries for 97% of state college faculty fall anywhere from 10% to 23% below the salaries of faculty at BHE-defined peer institutions, when the cost of living has been adjusted for. The gap increases with seniority, academic rank and academic credentials. Only those 3% of state college faculty at the instructor rank—

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US Labor Against the War: A Report from the National Assembly
Maynard Seider

“A War Budget Leaves EVERY Child Behind.” That slogan, worn on the T-shirt of a California AFT delegate, summarized the spirit at the founding assembly of a new, vibrant, and growing labor coalition, US Labor Against the War (USLAW). The goals of the coalition are to challenge U.S. foreign policy of permanence and have it publicized “The Corporate Invasion of Iraq.”

The attacks on labor in Iraq and the onslaught of corporate-led privatization should strike a chord to those of us in higher education in Massachusetts. They did to the delegates, many from public sector unions such as SEIU, who have seen their own jobs threatened here at home while housing, health care, education, and human service budgets are decimated. The Assembly stood united on the need to bring back our troops from "harm's way," to end the privatization of Iraq, and to redirect our resources at home. As educators, that is our challenge, and is the only way that "no child [will be] left behind.”

—Maynard Seider is Professor of Sociology at the Massachusetts College of Liberal Arts and President of the MCCLA Faculty Association.
An Open Letter to Governor Romney continued from page 1

none of whom hold terminal degrees in their disci-

plines — earn more than their peers elsewhere.

Your administration acknowledged this summer, when granting 2% pay increases on top of existing

2.7% cost of living raises for state managers, that the failure of salaries to keep pace with peers creates a

“morale problem” among “long time state managers, dedicated public servants who have in many cases

worked for state government for many years.” (Boston Globe, July 31, 2003, page B4). For our faculty, the

morale problem is compounded by recruitment and retention problems as well. We simply must do every-

thing possible to diminish and eliminate this gap in salaries, and this means that we cannot accept a year

of negotiations without some form of comprehensive pay increases.

We are continuing to negotiate with your represen-
tatives at the end of the month. We will continue to

work on the funding bill for the outstanding higher

education contracts. However, we do want you and

your representatives to understand the importance

of comprehensive pay increases for members of the

state college faculty and librarians for the entire

term of the agreement to be negotiated.

Thank you for your consideration of these materials

and our positions on these issues.

This letter, sent to Governor Romney on October 23,

was also sent to Chancellor Judith Gill, the Board of

Higher Education, the state college Council of Presidents,

and the chairperson of each state college Board of Trustees.

As we go to press, no response has been received.

—PVM

MSCA Perspective

A publication of the Massachusetts State College

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State Retirement Board Overturns Social Security Offset for MSCA Retired Professor

Many public employees suffer a significant loss of Social Security benefits under the Government Pension

Offset and the Windfall Elimination Provision. The Government Pension Offset results in reducing public

employees’ Social Security spousal or survivor benefits by two-thirds of their public pension. For most public

employees subject to the Government Pension Offset, this results in a total loss of Social Security benefits.

The Windfall Elimination Provision reduces the earned Social Security Benefits of an individual who also receives a public pension from a job not covered by Social Security. These offsets do not apply to any public employee who was eligible to receive a pension as of January 1, 1986.

Professor Walter Korzec, retired faculty member from Westfield State College, personally experienced the

string of the Social Security offset when he retired in May 2002 and saw his Social Security benefits immedi-

ately cut in half. Believing that he had sufficient creditable service to prove his eligibility for a pension as of

January 1, 1986, Professor Korzec requested that the State Retirement Board review his case. After a hearing in

June 2002, the State Retirement Board refused to certify that Professor Korzec met the eligibility requirements

for a pension as of January 1, 1986, because his creditable service at that time was less than the ten years re-

quired under the statute to be eligible to retire. Professor Korzec appealed the Board’s determination and

turned to the MSCA/MTA for help.

MTA Attorney Lee Weissinger was assigned to represent Professor Korzec and persuaded the State Retreat-

ment Board to reconsider its earlier decision. In July 2003, Professor Korzec again appeared before the Board,

accompanied by Attorney Weissinger and Jo Ann Fitzgerald, MTA Retired Member Service Specialist. The

Board reversed its previous decision and held that prior service could be considered in determining eligibility

for a pension even though the member had not converted that service into creditable service under the retire-

ment system as of January 1, 1986. According to Attorney Weissinger, “The State Retirement Board’s decision

will benefit other members who had the right to purchase service prior to January 1, 1986, but elected not to

do so. If the purchase of that service would have resulted in the member becoming eligible for a pension before

January 1, 1986, then the Social Security offset provisions will not apply.”

Professor Korzec was elated to see his Social Security payments double, and a retroactive payment was made for

the period of time his benefits had been reduced. Having been a strong supporter of MSCA, serving on the

MSCA Board of Directors and as a member of the Executive Committee and grievance officer for the West-

field MSCA chapter, Professor Korzec never thought he might need to turn to the MSCA/MTA for represen-

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tation himself. Now the operator of its local retirement

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Election Rules for Spring 2004 MSCA Officer Elections

Adopted by the MSCA Board of Directors: November 7, 2003

1. Candidacy for election to a position as MSCA Officer in the Spring 2004 MSCA elections shall be open to any MSCA Member in good standing, except for current members of the MSCA Election Committee.

2. Nomination papers for each MSCA Office will be accepted only from individuals seeking that particular Office as per Article IV of the MSCA Constitution and the Spring 2004 Elections Calendar, herewith attached. The Nominations and Elections Supervisor shall certify each candidate, who will thereafter be designated a Certified Candidate for that MSCA Office. Hereinafter, write-in candidates shall be designated as Nominees.

3. Candidates for each MSCA Office shall file nomination papers with the Nominations and Elections Supervisor as specified in the MSCA Constitution and the Spring 2004 Elections Calendar, herewith attached. The Nominations and Elections Supervisor shall certify each candidate, who will thereafter be designated a Certified Candidate for that MSCA Office. Hereinafter, write-in candidates shall be designated as Nominees.

4. MSCA Chapters, Standing Committees, Ad Hoc Committees and/or the Board of Directors may not endorse or oppose a particular candidate in their collective capacities. Individuals serving on such bodies are free to engage in any activity not otherwise prohibited by these rules to advance or oppose the candidacy of any candidate.

5. Neither the Elections Committee in its collective capacity, nor its individual members, may endorse or otherwise engage in any activity to advance or oppose the candidacy of any candidate.

6. No Chapter may use Chapter funds, equipment, paid personnel or resources, directly or indirectly, to advance or oppose the candidacy of any candidate.

7. No MSCA funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate.

8. The use of electronic media controlled by the state colleges to send or receive messages or to create a web page advancing or opposing the candidacy of any candidate is prohibited. The term "use" includes the origination of messages or the forwarding of messages originated by others.

9. Candidates shall conduct their campaigns in a positive manner with due regard for the high professional standards expected of college educators and shall refrain from personal attacks. All campaign materials supporting or opposing a Candidate must be signed by at least one MSCA member in good standing.

10. A candidate forum at each campus shall be arranged by the Chapter president. The Chapter president, working with the MSCA office secretary, shall establish a date and place for the forum that is agreeable to the Certified Candidates.

The office secretary shall notify each Certified Candidate of the date and place of each forum. The Chapter president shall inform each Certified Candidate of the format of the forum at least twenty-four hours in advance and ensure that each Certified Candidate has an equal opportunity to address the members.

11. Each Certified Candidate shall receive no more than two sets of mailing labels, with the name, address, and Chapter affiliation of all members, separated by campus/unit member status (full-time and non-full-time) if the MSCA Treasurer determines that such separation is practicable.

12. So that all voting members receive the same information regarding election procedures, the membership will be informed of the procedures for the election in a mailing prepared by the Nominations and Elections Supervisor for distribution by local chapter presidents.

13. Each election contest shall be decided by a plurality, i.e. the individual receiving the most votes shall be elected.

14. Challenge Procedure: A. Any candidate may challenge the election by filing a written challenge with the Nominations and Elections Supervisor no later than 5:00 PM on the seventh day following the official ballot count.

B. The Nominations and Elections Supervisor shall notify Arbitrator* that a challenge or challenges have been received.

C. Arbitrator* shall prepare a notice of hearing including the date and place of the hearing. The notice, including a copy of the challenge(s), shall be mailed to each candidate.

D. At the hearing any candidate may be represented by a representative of his/her choosing and may present documents and witnesses relevant to the challenges filed. Each candidate will be permitted to make an opening and closing statement to the Arbitrator*.

E. Arbitrator* shall file a written report with the Elections Committee. For each challenge filed, Arbitrator* shall determine whether the challenge has merit and whether the facts as found by the Arbitrator* affected the outcome of the election.

F. The Nominations and Elections Supervisor shall promptly provide a copy of the report to each candidate.

15. The Elections Committee shall meet to consider the report and certification of the election. The Elections Committee will make a report to the Board of Directors at its next meeting.

* to be named by the MSCA Board of Directors

Workshop on Faculty Liability continued from page 2

if you are aware of a potential problem and do not take steps to remedy it, you are likely to be held responsible as well. The bottom line is that people working with hazardous materials have the responsibility to keep students and others out of harm.

Summary of Points From the Meeting:

• You can not be held personally liable, but you can be disciplined.
• Your college or university should have a chemical hygiene plan.
• If you recognize a problem concerning chemical handling, report it to your department head and chemical safety officer.
• You can only remedy hazardous situations (ex. incompatible chemicals stored side by side).
• Carefully document all interactions/events you have, i.e. when you observe a problem, when you reported it, to whom you reported it, etc.
• The chance of faculty members being held responsible for disposal costs or fines is very small. In every case the lawyer knew of, the employer (college or university) was held responsible and could not pass the risk or finding responsibility to the employee.
• Students doing independent research (such as science projects) or working without supervision (for example, in photography labs) should receive appropriate safety training (similar to that given to a regular lab class) along with a check list the student signs. Again, the key is safety and documentation.
• Ms. Gibson suggested that if a college cannot support a course offered in a safe manner, the course should not be introduced or taught.
• Faculty members who have students doing independent research off campus are similarly exempt from suit; however, Ms. Gibson again stressed that faculty should provide written safety checklists and caution students against known hazards.

---Michael Vorwerk is Assistant Professor of Environmental Science at Westfield State College.
IN THE ASSOCIATION

Westfield Professor Elected to National Office

Stanley J. Jackson of Westfield State College was elected to a two-year term as vice president of the National Council for Higher Education (NCHE) at the March 2003 Higher Education conference and Annual Meeting of NCHE in Washington, D.C. Stan served for four years as a member of the NCHE Executive Committee before running for vice president.

Stan has been an active association member over his 13 years at Westfield State. He has served locally as an officer and on the executive committee and several governance committees, state-wide for the MSCA as a DGCE negotiator, and for the MTA as a member of the Minority Affairs Committee. He currently serves on the chapter executive committee, the Westfield State College Assessment Committee, the MSCA Affirmative Action Committee, the NEA Member Services and Affiliate Relations Committee, the Higher Education Reauthorization Taskforce, and the Higher Education International Team. Additionally, Stan serves as a vice chair on the board of directors of the Springfield Southwest Community Health Center. Oh, and he teaches and spends time with his wife and granddaughter, too!

NCHE is an independent advocacy group composed of higher education faculty, professional administrators, and affiliated organizations that monitors and lobbies the National Education Association on higher education issues, programs, and services. NCHE has been the principal advocate for higher education programs and services within the NEA. As an independent organization, NCHE insures that the NEA Program and Budget Committee, the NEA Board of Directors, and the NEA Executive Committee support higher education’s budget requests for organizing, research and services. Because of these efforts, funding for the creation and expansion of NEA’s higher education research center, publications, professional development opportunities, and programs specific to higher education have been increased annually.

Stan says that “the challenges of the position are time management, and understanding and communicating with higher education colleagues, especially on the value and necessity of being part of an advocacy group such as NCHE. If we are truly going to preserve higher education as one means of achieving social, economic and political equity, we must all look beyond our day-to-day struggles and speak with a collective voice.” NCHE has been that voice for 18 years.

If higher education’s voice in NEA is to persevere and grow stronger, then NCHE needs your support. Join NCHE today! An application can be found at: <www.nea.org/nche/>. Stan can be reached at <jackson@wsc.ma.edu> or at (413) 572-5720.

Beat the Clock!

Update on Social Security Offset Repeal Campaign

October 1, 2003, was NEA’s National Lobby Day to repeal the GPO/WEP offset provisions of the Social Security Act. Two hundred, seventy-seven (277) NEA members, representing 47 states, carried NEA’s message of “Respect Public Service: Repeal Social Security Offset” loudly and clearly to Capital Hill.

As a result of the day’s activities, 10 additional cosponsors were added to the bills. The current tally is 271 cosponsors in the House and 26 in the Senate. NEA will continue to press Congress to pass this legislation and we will keep you updated on its progress.

David Twiss

DCGE Bargaining Update

There has been a Petition for Mediation and Fact Finding in Public Employment, jointly submitted by the union and the employer, filed with the Board of Conciliation and Arbitration. We are awaiting action from that Board.

—David Twiss

Contracts Available in All Chapter Offices

Copies of the 2001-2003 MSCA day unit contract and the 2000-2003 DGCE unit contract are available for all members from the local chapter offices. For a copy please contact your local chapter president or the MSCA President’s Office at 978-542-7282 or Pmarkunas@aol.com. Contracts are also available on-line at <www.mscauion.org>.

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