

Perspective

25 Years of MTA/NEA Affiliation 25 Years 1979 - 2004

MSCA Newsletter



Patricia Johnston, Editor

NEA/MTA/MSCA

November 2003

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 13,500 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]. Once legislative funding has been secured, we urge you to resolve the impasse by signing the legislation.

Members of the Board also directed me to write to you concerning our own status in negotiations. Our 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 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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Nominations Open for 2004 MSCA Officers Election

The MSCA 2004 Officer Election season has officially begun. Candidates will be elected to all four positions: President, Vice-President, Treasurer, and Secretary. Under Article IV of the MSCA Constitution, prospective candidates should send a request for nomination papers by certified mail to:

Sandra Faiman-Silva
MSCA Nominations and Elections
Supervisor
91 Burrill Avenue
MSCA Office
Bridgewater State College
Bridgewater, MA 02325

To be eligible to appear on the MSCA Election ballot, signed nomination papers must be returned to Sandra Faiman-Silva, Nominations and Elections Supervisor, by January 16, 2004, at 5:00 PM.

Prospective candidates should review the MSCA Constitution, the Election Rules, and the 2004 Election Calendar published in this issue and posted on the MSCA website www.mscaunion.org>.

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 permanent war and its consequences for working families both home and abroad. As a delegate from the MSCA, I attended the meeting in Chicago on Oct. 24th and 25th along with some 250 other delegates, representing 68 labor organizations and over 2 million workers.

I met a bus driver from Missouri, a high school teacher from Illinois, a plumber from San Francisco, a community college teacher from Connecticut and three graduate student/employees from UMass who made the trek to Chicago by car. One of the conveners of the assembly was Bob Muehlenkamp, who helped unionize the teaching assistants at the University of Wisconsin in the late '60s when we were both graduate students in Madison. Throughout the debates, speeches and informal discussions, one dominant theme came through: this time around, unlike Vietnam, there must be a strong voice for peace from organized labor.

USLAW started as an informal coalition last January and has since developed relationships with veterans and military families who oppose the war and the occupation. It has publicized "The Corporate Invasion of Iraq," a profile of U.S. corporations making hundreds of millions of dollars as the U.S. occupying authority directs the privatization of the country. It describes well-connected corporations, including Halliburton and Bechtel, that are in line to receive billions of dollars to "reconstruct" Iraq. The report can be downloaded fromwww.uslaboragainstwar.org.

USLAW representatives met with International Labor Organization officials in Geneva, and the organization sees as one of its main goals the mobilization of support for Iraqi workers. The Chicago delegates heard a report from a photojournalist and a Bay Area longshoreman who had just returned from Iraq, visiting several work sites, including an oil refinery and shoe factory. We learned that with the fall of Saddam Hussein, labor unions, which had been forced underground, had reemerged. However, we also learned that the "democracy" that the Bush regime is bringing to Iraq does not include the rights of labor. Not only do 70% of Iraqi workers remain unemployed, with their wages frozen, but also the U.S. occupying authority

has eliminated the profit sharing and food and housing allowances previously enjoyed by most workers. In addition, the authority continues to enforce a 1987 law prohibiting unions and collective bargaining in the public sector, where most Iraqis work. If that were not enough to keep a clamp on union activity, the US passed a new law threatening to imprison any strike organizer as a POW.

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 MCLA Faculty Association.

MSCA Communications Salem State College Salem, MA 01970

Non-Profit U.S. Postage P A I D Permit No. 93 Salem, MA **Perspective** November 2003

An Open Letter to Governor Romney continued from page 1 none of whom hold terminal degrees in their disciplines — 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 everything 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 representatives 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 Association, the faculty and librarian union for the nine state colleges in Massachusetts. Write to us at: MSCAperspective@salemstate.edu

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Massachusetts Community College Council: www.mccc-union.org

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 offset, this results in a total loss of Social Security benefit. 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 sting of the Social Security offset when he retired in May 2002 and saw his Social Security benefits immediately 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 required 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 Retirement 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 retirement 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 Westfield MSCA chapter, Professor Korzec never thought he might need to turn to the MSCA/MTA for representation himself. Now the owner and operator of Hill Gallery Bed & Breakfast in Worthington, Massachusetts, Professor Korzec encourages retired MTA members to retain their union membership.

The repeal of the Social Security offset provisions is a top priority for MTA and NEA (see the October 2003 Perspective). Additional information and legislative updates are available on the websites of the MTA <www.massteacher.org> and the NEA <www.nea.org>.

MSCA Sponsors Workshop on Faculty Liability for Chemical Hazards

Michael Vorwerk

Recently, faculty, administrators and staff at Massachusetts's colleges and universities have had a "wake-up" call regarding the handling of hazardous waste on campuses. Last year, the Environmental Protection Agency fined Fitchburg State College \$350,000 because of alleged mishandling of hazardous chemicals. Many state college faculty were concerned about personal liability arising from their own actions or inactions regarding handling hazardous chemicals. In response to this concern, the MSCA sponsored a seminar on faculty liability held on October the 20th at Fitchburg State College. The seminar was presented by Sarah Gibson, Esq., an attorney assigned by the MTA Division of Legal Services to represent the MSCA in this situation.

I had the opportunity to attend the seminar with about 25 other concerned faculty members. This report represents my understanding of what transpired at the seminar, but I'm no lawyer. As I understand it, the long and short of it is:

As a public employee, you cannot be individually sued for something you do in the normal course of duties working for the state. State law prohibits this. However, the state can be sued, and you are required to participate on behalf of the state in their defense to retain your "unsueable" status.

While the EPA, a student or other entity cannot sue you personally, you can be subject to disciplinary action by your college or university. For untenured faculty, this might include letters of reprimand or non-renewal of contract. For tenured faculty, this might include letters of reprimand, loss of retirement benefits, and termination

at a post-tenure review. However, the lawyer stressed that the punishment must fit the crime; and there must be due process.

Ms. Gibson repeatedly stressed that her best advice to "follow your school's Chemical Hygiene Plan." She pointed out that the goal was to provide a safe learning environment. One of the problems with not having a rigorous chemical hygiene program is that people tended to forget what chemicals are present on site and where they are stored.



She also stressed teaching safety to students. This includes not only the typical beginning-of-semester orientation, but also reviewing pertinent safety procedures at the beginning of each individual lab. For instance, at the beginning of the semester, students are shown where fire extinguishers and fire exits are; before doing a lab using flammable chemicals, students should be reminded of the locations and proper procedures.

Several faculty members suggested that they had colleagues who were mishandling hazardous chemicals, and that it would be awkward to approach their colleague about this mismanagement. Ms. Gibson pointed out that

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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 Elections Committee.
- 2. Nomination papers for each MSCA Office will be accepted only from individual members seeking that particular Office as per Article IV of the MSCA Constitution. No individual may be a candidate for more than one Office.
- 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.
- Quickly 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 this financial 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.

Spring 2004 MSCA Election Calendar

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

November 1, 2003

Earliest date by which interested parties may secure nomination papers for any MSCA office, which request should be sent in writing via certified mail or hand delivered to the MSCA Nominations and Elections Supervisor indicating the office sought, as per Article IV(2a).

First Friday in December year prior: 12/5/03 Date by which Spring 2004 Elections Rules and Calendar must be approved by MSCA Board

Third Friday in January: 1/16/04

Date by which candidate must file with Nominations and Elections Supervisor Nomination Papers containing forty (40) signatures from members in good standing, no more than fifteen (15) from any one Chapter, in order to be certified as a Candidate. The signatures must be received by 5:00 PM on that date, regardless of postmark, and should be sent via Certified Mail.

Fourth Friday in January: 1/23/04

Date by which any written challenges to Signatures must be received by Elections Committee Supervisor, by 5:00 PM.

First Friday in February: 2/6/04

Date by which Elections Committee meets to hear any written challenges to signatures and to certify Candidates.

First Friday in February: 2/6/04

Date by which Nominations and Elections Supervisor informs MSCA Board of Directors of list of Certified Candidates and requests Chapter Presidents to publish the list in Chapter Newsletters and post on the MSCA website.

Second Friday in February: 2/13/04

Date by which all Certified Candidates must provide the Editor of the *Perspective* a biographical statement not to exceed 350 words setting forth the Candidate's experience and goals. The statement together with a photo, supplied by the candidate not to exceed 5" x 7" (B & W preferred) will be published in the *Perspective* and distributed to union members at least one week prior to the mailing of ballots.

Week of March 15

Ballots are mailed to all eligible union members to their home addresses by the American Arbitration Association (the Supervising Agency) using the double envelope system (date to be determined in consultation with the Supervising Agency).

Three weeks following Ballot Mailing: Week of April 5

Date by which all ballots must be received by the American Arbitration Association (the Supervising Agency), no later than 5:00 PM regardless of postmark.

Three days following official return of Ballots:

Date by which ballots will be counted and Candidates will be notified of election results by Elections Committee Supervisor.

Seven days following official ballot count: Week of April 12

Date by which all written challenges must be received by Elections Supervisor, by 5:00 PM, and submitted to Arbitrator by the next business day.

Last Friday in April: 4/23/04

Date by which all written challenges to the Election shall have been heard and adjudicated by Elections Committee.

MSCA Delegate Assembly: 5/1/04

Nominations and Elections Committee Supervisor reports official Election results to the Delegate Assembly.

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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



Stanley J. Jackson

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/he/nche/>. Stan can be reached at <sjackson@wsc.ma.edu> or at (413) 572-5720.

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 Offsets" 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.

Len Paolillo (MCLA/MSCA) represented MSCA and MTA that day and met with 9 of 11 members of the Massachusetts Congressional Delegation, all of whom are sponsors on the legislation. Len was recently appointed by NEA President Reg Weaver to the NEA's Legislation Committee, which has made this issue a priority.

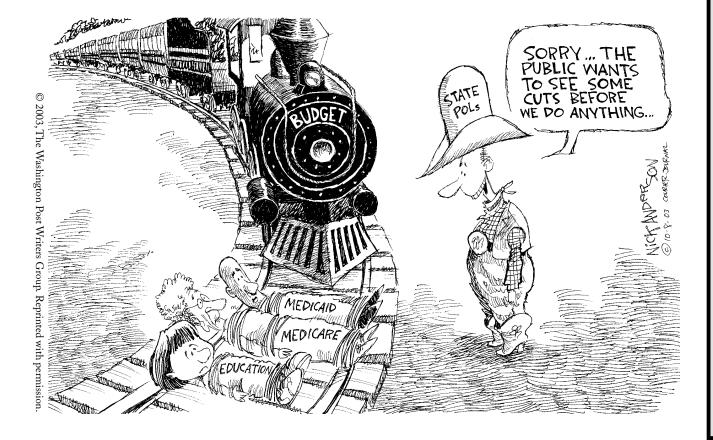
DCGE Bargaining Update

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.mscaunion.org>.



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