

Perspective

25 Years of MTA/NEA Affiliation 1979 - 2004

MSCA Newsletter



Ben Jacques, Editor

NEA/MTA/MSCA

September 2004

MSCA PRESIDENT'S MESSAGE

Your Union Needs Your Help NOW!

By Patricia V. Markunas

After several years of lean budgets and two early retirement incentive programs, the state colleges have started to replenish the ranks of tenure-track faculty and librarians. This increase in hiring comes none too soon for our system and our union.

On behalf of the Massachusetts State College Association, I extend a warm welcome to nearly 100 newly hired faculty and librarians throughout the state college system. As a member of MSCA, you belong to four different labor unions that have your best interests at heart at the local, state and federal levels. Contact information for your statewide and local campus union officers can be found on Page Four of this issue of the *MSCA Perspective*, your union's newspaper.

Our students need you for the quality and consistency of their educational experience. Our union needs you for the new ideas and energy you can bring to our efforts on behalf of the 2500 full-time, part-time and DGCE faculty and librarians at the state colleges.

Negotiations Stymied by the Employer

September 1, 2004, marks 428 days since the expiration of our day program contract with the Commonwealth of Massachusetts. Despite having started this process well in advance, the MSCA Bargaining Committee, chaired by Brad Art (Westfield/MSCA), has been stymied in its efforts to get even a one-year contract extension that provides a fair economic package for our membership. Our efforts to secure a three-year contract have not fared much better.

Below this report you will find a chronology of the bargaining process to date, prepared by our MTA Day Unit Consultant, **Donna Sirutis**. The MSCA Bargaining Committee has tried everything to get a contract in place for the start of this academic year. Our employer of record, the Board of Higher Education (BHE), has failed to cooperate with us to meet this goal. Sadly, September 29, 2004, will mark the second year anniversary of our last comprehensive pay increase for day unit members.



MCLA Professor Joseph Ebiware, right, and dozens of other members from the state colleges picketed the Board of Higher Education meeting June 15 at Framingham State College.

Every MSCA member should read this chronology and other information about negotiations, posted on the MSCA website <www.mscaunion.org>, which includes the employer's complete proposal. Every MSCA member must become involved in actions needed to bring about a change in the employer's stance at the bargaining table.

Our situation is not unique. Public employee unions are facing a breakdown in the employer's willingness to engage in good faith negotiations. Maintaining and increasing support in the Legislature is vital for long-term strategies to change the collective bargaining law or enact a legislatively sponsored pay increase for public employeess, as occurred in the 1992-93 academic year. All MSCA members — newly hired and returning ones — should be registered to vote and support candidates who are pro-education and pro-labor.

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As Time Goes By

A Chronology of Efforts to Achieve a Contract

October 2002 At MSCA Board meeting, Tocco and Gill commit to start

bargaining in January 2003 in order to have a successor contract

in place by expiration date of June 30, 2003.

December 2002 BHE chief negotiator Peter Tsaffaras informs MSCA that

management will not be ready to negotiate in January. Parties do agree to start the talks by focusing on distance education,

intellectual property, and technology (DEIPT).

February 2003 Tsaffaras is unable to give MSCA a proposal on DEIPT until

February 26, when parties exchange proposals.

March 2003 Parties bargain over DEIPT.

April 2003 Parties sign memorandum of agreement on a limited number

of intellectual property and technology issues, but are unable to resolve all differences. Parties agree to dates in May and June to negotiate over a multi-year successor agreement without

limiting the topics to be addressed.

May 2003 Tsaffaras asks MSCA to bargain for a one-year extension with

minimal changes. MSCA reluctantly agrees, although MSCA Bargaining Committee has prepared a comprehensive proposal for a three-year successor. Tsaffaras cancels dates previously

scheduled for May-June.

June 2003 The parties meet on four other occasions without reaching

agreement.

July 2003 The MSCA proposes a mechanism for money settlement

without having to go to the Legislature. Tsaffaras agrees to

consult with the college presidents on this.

August 2003 Tsaffaras does not communicate with presidents until the day

before the MSCA and BHE-COP teams are scheduled to meet, allowing no time for the presidents to reach consensus on the proposal. Subsequent phone calls among the presidents fail to produce a settlement before the start of the 2003-04 academic year. MSCA continues to urge that the parties engage in negotiations for a three-year comprehensive successor agreement

rather than a one-year status quo extension.

September 2003 Tsaffaras continues to maintain that the best strategy is to

continue working on a one-year extension. The parties meet, but the BHE-COP continues to offer no salary increases.

November 2003 Parties meet; no settlement. Tsaffaras still refuses to bargain

over a three-year agreement.

December 2003 Ditto.

February 2004 Ditto.

March 2004 MSCA files for mediation on the one-year extension for FY 04.

Mediation begins March 24.

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The Group Insurance Commission—Is It Working For Us?

By Ben Jacques

To paraphrase a quote by Kurt Vonnegut in an ad, the Group Insurance Commission (GIC) looks out for those of us who have other things to think about.

An 11-member commission with a staff of 45, the GIC manages health, dental, life, disability and other benefits for over 250,000 state employees, retires and dependents. It bargains with insurance companies for the best deals, and informs us of a range of services and options.

But does the GIC have our best interests in mind? Or does it facilitate management's agenda to shift the cost burden onto employees, and onto those who most need medical care, as they must pay higher copayments and deductibles?

And why did so many of us have to change our health care plans this spring?

Faculty and librarians are asking these questions after the GIC forced thousands of state employees to switch their health plans during the open enrollment period this spring. The changes affected not only higher education, but all active MTA employees, as well as retirees in 75 cities, towns and districts.

All told, the GIC reported in its summer newsletter, it processed plan changes for over 50,000 employees. Thanking its staff and 500 benefits coordinators across the state for helping with this huge undertaking, the GIC also thanked employees, "for weighing your options and taking charge of your health."

For some, however, the options were few, and I, for one, hardly felt in charge of anything. At Massachusetts College of Liberal Arts, one of the smaller state colleges, over 120 faculty and staff had to switch plans. Closing down popular HMO programs like Tufts and Harvard Pilgrim, along with Commonwealth PPO (a preferred provider organization), the GIC brought out three new plans: Commonwealth Indemnity Community Choice, Harvard Pilgrim POS (point of service) Plan, and Navigator (a Tufts PPO)—all in the "moderate" premium range.

The GIC sold the new plans as giving employees more freedom in selecting "providers"—doctors, hospitals and services. The Tufts Navigator PPO, for example, doesn't require primary care physician (PCP) selection or referrals.

The sting came, however, in co-payments for hospitalization. Navigator categorizes its hospitals in two tiers. Those admitted to a Level 1 hospital would pay \$200. Those going to a Level 2 hospital would pay \$400. Unfortunately for state college employees living in North Adams, the local hospital is a \$400-copay hospital. So is the larger hospital in Pittsfield, Berkshire Medical Center, half an hour away. The nearest Level 1 hospital is Bay State Medical Center in Springfield, an hour and a half away.

Although the GIC kept three HMO plans, including Fallon, in its line-up, coverage areas are limited. For employees in some areas, the options were limited to one of the new plans or the traditional Commonwealth Indemnity plans, which carry higher premiums.

For many employees, the changes seemed like another step in reducing benefits. The GIC had already implemented higher copays in many plans for physician visits, ER visits and prescription drugs. And most employees had seen their premium share raised by the governor, with the backing of the legislature,

MSCA Contracts Available Online

The 2001-2003 day unit contract and the recently executed 2003-2006 DGCE unit contract are available on the MSCA website <www.mscaunon.org>. Hard copies of both the day unit and DGCE unit contracts are available through your chapter office or the MSCA President's office. See Page Four for contact information.

Under the new DGCE contract, the first two pay increases should have been implemented for the spring 2004 semester and all summer 2004 sessions. If your paycheck does not reflect these increases, contact your chapter office ASAP.



For "preferred" hospital admission in the Navigator plan, employees must pay \$200. For other hospitals the copay is \$400. Hospital copays reflect a GIC trend to require those who most need health care to pay more.

from 15 to 20 percent, with new employees coming in at 25 percent. Although there was some adjustment for low-wage employees, this alone costs each employee hundreds of dollars and more each year.

Add to this the frustration higher ed employees have faced getting contracts, or getting signed contracts funded. It took two and a half years for APA and AFSCME employees to get their contracts funded, and the retroactive payments are still in question. Meanwhile, MSCA employees—faculty and librarians—are beginning a second year without a contract, and the third without a cost-of-living adjustment.

The question remains: why did we have to change plans?

Battling Soaring Health Care Costs

A call to **Dolores L. Mitchell**, GIC executive director, revealed the rationale for the changes.

"As everybody knows, the cost of health care has been going up at double-digit rates," Mitchell said. "Health plans ask for more money because doctors or hospitals ask for more, or utilization goes up. The public sector can't be exempt from these pressures."

To address spiraling costs, and keep premiums affordable, most employers are raising copays and deductibles and/or cutting benefits, she said. "Another approach is to adopt consumer-driven health plans. That's a euphemism for putting employees at a greater financial risk for certain kinds of things."

Having raised copays and deductibles as far as they felt they could, the GIC decided to engage the health plans directly in developing proposals that would give members incentives to choose hospitals and other providers based on their quality and efficiency.

"We weren't saying the other plans were bad," Mitchell said, "We were saying they didn't do enough about costs or the way medicine is practiced."

The result was three new plans, all with the same basic approach, Mitchell said: "to give incentives to enrollees, along with information, to make choices of the best quality available at the best cost."

Central in the new plans is the tiering of hospitals, which are the fastest growing sector in medical care costs, Mitchell said. Tiering of other services is expected to follow.

"Tufts started out tiering hospitals. Harvard is doing it next year with physicians. And Unicare is doing it this year with two plans," she said.

Mitchell acknowledged there are problems with individual plans in different parts of the state, but said employees have enough options to get needed coverage. She said the GIC has done a good job in controlling the cost of premiums, and that its active involvement in the way health care is provided will benefit employees.

"Our rates of increase have been lower than the national trend," Mitchell said.

Employee Reps Dissent

The GIC's new line-up was approved by the board of commissioners by a 6-4 vote. Of the 11 members, appointed by the governor, only three represent employees: Richard Waring, National Association of Government Employees (NAGE); Stephen B. Chandler, Service Employees International Union (SEIU); and Karen Hathaway, American Federation of State, County, and Municipal Employees (AFSCME). They were joined by Commissioner Theron R. Bradley in opposing the health plan changes.

"The major issue is the cost for our employees," said Waring, who serves as GIC vice chair. "A \$200 swing in copay for hospital admission is not small change."

He also questioned the timing. "My concern is when you're raising copays and increasing deductibles, when people aren't getting pay raises, you're in effect decreasing their compensation."

Waring said he's also worried about health care continuity, as employees are forced to change plans, and as the plans themselves change year to year, with incentives to use different providers and the disruptions that can cause. He also said he's wary of proposals for making employees pay different premium rates based on their selection of primary care physicians.

MTA Files Bill to Amend GIC

The MTA also weighed in on the GIC plan, stating it was "very disturbed by the changes being instituted by the GIC in which employees have no meaningful participation as far as final decisions are concerned."

Legislation was filed to amend the membership of the GIC to include additional employee representation.

That legislation, Senate bill S904, was introduced by Senator Charles Shannon, D-Winchester, and favorably reported out of the Insurance Committee. It was sent to the Senate Ways and Means, where it resides. It wasn't included in the FY05 legislative budget sent to Governor Romney this summer.

"If there's a plus, it's that we have raised the issue," Jack Flannagan, MTA consultant, said. "With the GIC acting unilaterally, negatively affecting health care coverage, more people know something has to be done. We still have hope for this bill."

It's clear that health care and insurance plans are changing for state employees, and that we are being asked to carry more of the cost. It's also clear that those needing health care services the most will increasingly be asked to pay the most, through expensive copays and deductibles.

However, it's important to understand that presure is coming not only from health care cost inflation, but from the governor's office as well. The GIC's executive director maintains that there's always pressure, regardless of who's in office, to control health care spending. Yet the GIC's employee guide clearly states the agency's goal of "being part of the solution to the state's fiscal dilemma."

It's also clear that this is happening as our employer is failing to compensate us in a fair and timely manner. If faculty and librarians across the state want something better than what we're currently getting from the GIC, Senate Bill S904 may be the best way to get it.

To support S904's passage, contact your senator and representative. Also contact Senator Therese Murray, chairperson of the Senate Ways and Means Committee at <Therese.Murray@state.ma.us> or 617-722-1330 and Senator Robert E. Travaglini, Senate President, at <Robert.Travaglini@state.ma.us> or 617-722-1500.

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"Partial Fix" For Social Security Penalty

A "partial fix" is how the NEA is describing a bill that reduces the penalty public service employees pay in reduced Social Security payments because of the Windfall Elimination Provision (WEP). The WEP law cuts Social Security benefits for public employees in Massachusetts and over a dozen other states by up to 60 percent.

At its Representative Assembly this summer, the NEA urged members to support the Public Servant Retirement Protection Act (H.R. 4391 and S. 2455), which would change the current WEP formula in a way that would benefit many retiring teachers.

"It's a first step, a partial fix, but certainly not a complete solution," said MCLA Professor Len Paolillo. A former NEA director, Paolillo is one of two Massachusetts representatives on the NEA task force to repeal the Social Security offsets. (See *Perspective*, October, 2003.)

Paolillo said the bill does not address the Government Pension Offset (GPO), which cuts Social Security benefits for spouses. For every three dollars a dependent or survivor receives from a public-service pension, Social Security benefits are cut by two. In most situations this means the total loss of Social Security benefits, he said.

"The NEA has promised to work for total repeal of the WEM and GPO offsets," Paolillo said. "It's important that when we call our representatives in Congress to support this bill, that we tell them this is only a partial solution, and that full repeal is necessary."

The NEA decided to support the Public Servant Retirement Protection Act (PSRPA) after extensive efforts to move legislation that would repeal both WEP and GPO provisions stalled. "The question was: do we compromise and move forward?" Paolillo said. NEA representatives testified before the Ways and Means subcommittee on Social Security last month.

Paolillo said teachers around the country are affected if they worked in non-mandated Social Security states, such as Massachusetts. The new formula would determine a person's Social Security benefits by calculating both Social Security and public service salary history. It would benefit some retirees more than others, but no one could get less in Social Security payments because of the new formula.

The PSRPA was introduced with broad, bipartisan support, considered necessary to advance it in Congress. According to released statements, the NEA "engaged in tough negotiations with Representative Clay Shaw (R-Florida) to move legislation addressing the WEP and GPO." When that failed, NEA decided to support a measure that would address only the WEP, because of the likelihood it would pass this year.

Faculty and librarians under the Optional Retirement Plan are not affected by the Social Security offsets. For more information on the PSRPA, including worksheets to estimate benefits, visit the NEA website at <www.NEA.org.lac/socsec>. You can also sign up to receive periodic email reports from the MTA on the Social Security offset campaign at <www.massteacher.org/gpowep>.

MSCA President's Message: Your Union Needs Your Help NOW! continued from Page 1

What You Can Do to Help

Stop Subsidizing Our Exploitation

In the past, we have asked members to stand down from committee work and other governance activities. This year, the MSCA Bargaining Committee is asking members to stop subsidizing our exploitation by the college presidents and the Board of Higher Education, by refusing to work overloads as defined by Article XII (Workload) in our day contract.

Last spring, as MSCA President, I was shocked to realize the large number of faculty members who had accumulated several courses worth of semester credit in overloads because of extra courses, independent studies, graduate trade-offs and other fractional credit-bearing courses. True, these overloads helped the colleges survive the budget cuts of the past several years. However, the willingness of faculty to teach in excess of contractual limits undercuts our efforts at the negotiations table and eliminates full-time and part-time positions for faculty.

Teaching course overloads without a workload reduction in subsequent semesters has got to stop!

Faculty members who wish to secure a contract should review the provisions of Article XII that govern workload (pages 188-9) and fractional course credit (pages 194-5). Once three credits (or one course at Framingham) have been accumulated for whatever reason, faculty members should insist on a compensatory reduction of workload. Period. The state college budget crisis is over. It is time for the dozens of faculty members who have multiple course credits to receive workload compensation for this work.

Furthermore, any overload credit for previous contractual periods has been carried over to the current contractual period. The workload slate has never been "wiped clean;" faculty members are entitled for workload compensation for their course overloads regardless of when they accrued. If you have any questions about this issue, please contact your local chapter president or the MSCA President's office directly.

Support Actions by the Bargaining Committee

We are pledged to stage protest actions at every single meeting of the Board of Higher Education until our contract is secured. Three such actions took place in April at Fitchburg State College, in June at Framingham State College and in August at U-Mass Boston. The next BHE meeting will be held on September 23 and 24, once again at U-Mass Boston. Details will be forthcoming.

Activities will be planned for the local campuses as well. You will be asked to refuse to participate in voluntary activities, in order to free up your time for work on behalf of negotiations. Your local chapter president will be asking all chapter members to pledge a certain number of hours per week for these activities. Give your union as many hours per week as you can.

Get Involved in Legislative Races

Governor Mitt Romney, whose enmity for public employee unions has been unsurpassed in nearly 100 years, wants a veto-proof Legislature. You need only to read Ben Jacques's superb analysis of the Group Insurance Commission (Page Two, this issue) to know how important it is to elect legislators who support public higher education and public employee unions. Check the MTA webpage <www.massteacher.org> to see which candidates in your local district have been endorsed, and volunteer to work on their campaigns. Even one hour each week of your time is meaningful and will be remembered when votes in the Legislature are critical.

Now is the time to come to the assistance of your union. The MSCA officers, Board of Directors, and Bargaining Committee cannot do it alone. Your help is crucial. Thank you for your support.

As Time Goes By continued from Page 1

March 2004 To avoid letting the talks stall on the one-year extension, on March 29 the MSCA presents to the BHE-COP team a comprehensive three-year proposal (July 1, 2004 – June 30, 2007). Tsaffaras says that the BHE-COP's three-year proposal will not be ready until June.

April 2004 Mediation on the one-year extension continues with no settlement. The MSCA asks that the mediator initiate fact-finding, since the BHE-COP will not offer any salary increases.

May 2004 On May 7, MSCA representatives address the COP to urge a settlement of the one-year extension with campus funds. The presidents decline. A fact-finder is appointed.

June 2004 The MSCA proposes that the parties agree to binding arbitration on the one-year extension as a way to expedite closure. The BHE declines.

On June 7 the BHE-COP presents its 1%-1%-1% proposal with myriad takebacks, saying that the full proposal on salaries will be provided in the future. The MSCA offers 24 dates to continue the talks in June, July and August. The BHE-COP team agrees to one. On June 24, after repeated calls to Tsaffaras, he agrees to three additional dates.

The parties meet on June 30, the anniversary of the expiration of the 2001-2003 collective bargaining agreement. The BHE-COP team still does not have its complete salary proposal and is unable to answer previously posed questions or new ones from MSCA representatives about its proposal.

July 2004 The parties agree to begin fact-finding on August 30 and 31. Several representatives from each side meet with the fact-finder for a pre-hearing conference on July 20.

The parties meet on July 28. The MSCA receives the BHE-COP's full proposal and offers twenty-six dates for continuing negotiations. The BHE-COP team is able to accept only one of these dates. Tsaffaras agrees to confirm additional dates.

August 2004 The BHE holds a special meeting on August 4. One agenda item is a consultant's study on compensation for college presidents.

The parties are scheduled to meet on August 18 and 25.

Sept. 2004 The parties are scheduled to meet on September 13.

September 29 marks the second year since the last across-the-board raise for MSCA day faculty and librarians

MSCA Perspective

A publication of the Massachusetts State College Association, the faculty and librarian union for the nine state colleges in Massachusetts.

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Perspective September 2004

IN THE ASSOCIATION

Save the Date!

MSCA Conference on

Academic Freedom: Faculty/Librarian Rights and Responsibilities in a Changing Legal Environment

> Friday, October 22, 2004 9:30 am to 2:30 pm

Crowne Plaza Hotel Natick, Massachusetts

Watch your campus mailbox for further information.

BHE Settles Lawsuit Over ORP

There is positive news for MSCA members enrolled in the Optional Retirement Program (ORP), as the Board of Higher Education (BHE) has agreed to settle a 2001 lawsuit brought by the MTA over the BHE's failure to make timely contributions to employees, retirement accounts.

The MTA sued the BHE after it found it had delayed making monthly payments. The delay could have placed a proper rate of return from investments for the employees in jeopardy. The BHE has now agreed to make additional contributions to the employees' retirement accounts.

This affects any faculty and librarian who enrolled in the ORP program between 1994 and December 27, 2003. More information can be obtained at the MTA's website at <www.massteacher.org>.

Schedule for MSCA Board Meetings - 2004-2005 (Approved 6/4/04)

Regular meetings of the MSCA Board of Directors begin at 10:00 am and usually adjourn around 3:00 pm. Meetings are open to all MSCA members in good standing — full-time, part-time and DGCE. Some time is set aside on the agenda each month for visiting speakers. If you are an MSCA member and wish to address the Board on an issue of concern, please contact the MSCA President's Office < Pmarkunas@aol. com> to request a place on the agenda or with any other question about Board meetings.

September 10 Framingham State College

McCarthy Center/Fireplace Lounge

October 1 Framingham State College

McCarthy Center/Fireplace Lounge

November 5 Framingham State College

McCarthy Center/Fireplace Lounge

December 3 Framingham State College

McCarthy Center/Fireplace Lounge

January 14 MTA - Auburn

Large Conference Room (tentative)

February 4 MTA – Auburn Large Conference Room

MTA – Auburn

Large Conference Room

March 4

June 3

MTA – Auburn

April 1 Large Conference Room

Framingham State College

April 29 McCarthy Center/Fireplace Lounge

April 30 Framingham State College

Delegate Assembly Forum

[May 13 -14 MTA Annual Meeting Hynes Auditorium/Boston]

Westfield State College

TBA

**If the facilities at Framingham are not available for 4/29 and 4/30, these meetings will be held at Worcester State.

Time to Get Involved: 2004-06 MSCA Committees Forming

MSCA has several standing and ad hoc committees that carry out important work on behalf of the union's membership. We need your energy, ideas and participation on these committees in order to fully represent the membership's positions on the issues and tasks before us.

Each chapter is entitled to one representative to each committee. You must be a union member (fulltime, part-time, or DGCE) in good standing in order to represent your chapter. All positions on all committees are for a two-year term, commencing October 1, 2004. All committees will elect a chairperson for a two-year term, commencing October 8, 2004. Current committee members must be renominated if they wish to continue on the committee.

If you are interested in serving on any of the committees listed below, please contact your local chapter president (listed in the sidebar panel on this page) in order to be nominated. Although there is no uniform deadline, it is recommended that you contact your local chapter president no later than mid-September if you are interested in any MSCA Committee.

Please do not hesitate to consult the MSCA Constitution or contact MSCA President Pat Markunas at (978) 542-7282 or Pmarkunas@aol.com, if you have any questions.

Standing Committees:

Bargaining Committee (day unit): Members are responsible for negotiating the MSCA day unit contract, which expired on June 30, 2003. Be sure to review the bargaining chronology before volunteering for this committee.

Bargaining Committee (DGCE unit): Members are responsible for the preparation of a bargaining proposal and the negotiation of a contract for the MSCA DGCE unit. As these negotiations were successfully concluded in the spring, this committee will not be active until January 2006.

Grievance Committee: Members typically serve as the local chapter grievance officer; the Committee is responsible for processing grievances in accordance with both contracts and with acting on grievances on appeal from any chapter.

Legislation Committee: Members propose and recommend action on both federal and state legislation of benefit to public higher education, the state colleges and public employee unions.

Affirmative Action/Equal Opportunity/Diversity Committee: Members will work on affirmative action/equal opportunity/diversity issues related to the campuses, the union and its chapters, and collective bargaining. This Committee is currently involved in information-gathering about discrimination issues on the campuses; it is also responsible for monitoring AA/EO/DIV practices on the campuses.

Elections Committee: Members will conduct and certify the nominations and elections of MSCA Officers in accordance with the MSCA Constitution The next MSCA officers election is scheduled for the spring 2006 semester.

Credentials Committee: Members will recommend procedures to be followed in the seating of delegates to the annual MSCA Delegate Assembly.

Resolutions Committee: Members shall review and recommend action on all proposed resolutions to the annual MSCA Delegate Assembly.

Special Committees and Other Chapter Representatives:

Salary Database Committee: Members work on collecting and verifying salary and other unit member information to update and maintain the statewide salary database for the MSCA.

Contributing Editors, MSCA Perspective: Members serve as local campus resource persons for articles, guest editorials and general editorial policy for the MSCA Perspective.

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