

MSCA Files Charge Against BHE Failure to Bargain in Good Faith, Make Economic Offer

C. J. O'Donnell, President

On Aug. 4 MSCA filed a charge of prohibited practice against the Board of Higher Education, our employer of record. The charge alleges that the BHE "has failed to bargain in good faith" since they have "refused to negotiate over economic issues or to come to the negotiating table with authority to bargain over financial matters."

A hearing has been scheduled for Dec. 15. MSCA filed a similar charge in 1994 and won that case in 1997.

MSCA distributed copies of the charge to all MTA-affiliated higher education unions at the Higher Education Leadership Council meeting on Aug. 6 (see photo, above).

To date nearly every other MTA-affiliated higher education union currently in negotiations has filed or will file a similar charge (UMass unions will file against the UMass Board of Trustees, their employer of record).

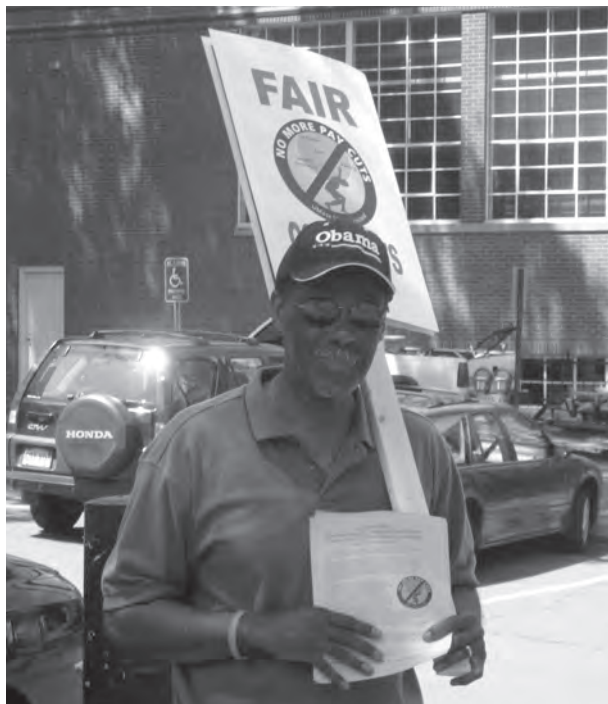
In other joint union actions this summer, higher education members picketed Gov. Deval Patrick's open cabinet meeting on July 17, held at the Bangs Community Center in Amherst (see photo, right).

The MSCA Bargaining Committee put together an action plan for the fall semester, which was discussed, amended and approved at the special meeting of the MSCA Board of Directors on Aug. 18. Details of the plan will be rolled out by chapter presidents in meetings early in September. Please make every effort to attend the meeting at your campus.

The Patrick administration has refused to pre-authorize the BHE to make a financial offer as part of day unit negotiations that commenced on Feb. 4. The excuses for this failure to make an offer have grown since that date.



Frederick W. Clark, Jr., chairman of the Board of Higher Education, meets with higher education union leaders on Aug. 6 to hear their dissatisfaction with the failure of the BHE to make an economic offer at the bargaining table.



Stanley Jackson, professor of psychology at Westfield State College, joins a demonstration of higher education members in Amherst on July 17.

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Commission to Consider State University Status for the State Colleges

As part of the FY 2009 state budget, a special commission was established to consider state university status for the state colleges. By telephone poll, the MSCA Board of Directors supported the creation of this commission, though the Board has taken no position to date on the merits of university status.

The composition of the commission can be found below.

SECTION 110. There shall be a special commission to consist of the following members: the secretary of education, who shall chair the commission; the chair of the board of higher education; the chairman of the State Colleges of Massachusetts Council of presidents; the president of the University of Massachusetts; a member of a board of trustees of a state college, selected by the chairs of such boards of trustees acting jointly; a member of the board of trustees at the University of Massachusetts who shall be appointed by the chair of the board; a person selected by the Massachusetts Teachers Association; and 3 persons selected by the governor who are experienced with the missions and degree-granting authority of public institutions of higher education in the United States. The commission shall make an investigation and study relative to the merit of allowing state colleges to become state universities. Such study shall include, but need not be limited to: the appropriate scope of such change; the educational value of such change for students; the need to allow state colleges to issue doctorate degrees; any increased costs to the commonwealth or to students likely to result from such change; the impact on the public higher education system, including the state colleges; and statutory compliance and degree approval processes for higher education institutions. The commission shall consider the function of state colleges in educating and training citizens of the commonwealth for roles in the economy of the commonwealth. The commission shall file a report on the results of its investigation and study, and any recommendations relative thereto, with the joint committee on higher education not later than November 15, 2008.

MSCA Files Charge Against BHE

Continued from page 1

In the winter administration officials said they needed to see how revenues would come in; in fact, revenues were higher than projections.

In the spring the administration said they needed to see if the fiscal year would close with a deficit; in fact, FY 2008 ended on June 30 with a \$100 million surplus.

In the summer the administration said they were busy working on the budget. Governor Patrick signed the budget into law on July 13 (vetoing more than \$4 million from state college line-items).

Then the administration said there was no collective bargaining reserve to support expected salary increases; Gov. Patrick proposed a reserve of \$61.8 million. MSCA supported this reserve, but the Legislature reduced it to \$20 million.

The excuses continue to come: the federal Medicare reimbursement, the ballot question to eliminate the state income tax, exorbitant energy costs....

We cannot allow the governor to continue to string us along with other statewide unions that have expired agreements.

A small number of statewide unions that do not negotiate with the executive branch have settled multi-year agreements in the 3-4% per year range. The BHE has authorized a 4% pool of money to be used for non-unit managerial merit increases and a 4.17% inflationary adjustment with up to an additional 3% merit adjustment for state college presidents.

The BHE needs to "advocate" for us, now!

If we each set aside a small amount of time each week to take part in the action plan the results will keep the pressure on the governor to get an equitable financial offer on the table. Please do whatever you can to help in the effort.

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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It's Time to Get Involved

The Truth About the Income Tax Repeal Initiative

There will be a question on the November ballot to eliminate the state income tax in Massachusetts. If approved, it will wipe out more than \$12 billion in revenues, or nearly 40 percent of the state budget.

MTA, AFT-Massachusetts and a growing coalition of civic, business, community and non-profit groups strongly oppose this question because:

It would damage public education and higher education.

Staff and courses would be slashed, class sizes would balloon and the quality of our schools would suffer. Tuition and fees would rise sharply at public colleges and the University of Massachusetts.

It would hurt the economy.

By making deep cuts in investments in public education, public safety, roads and bridges and many other areas, this proposal would damage our already fragile economy and make it much harder to attract new businesses to our state.

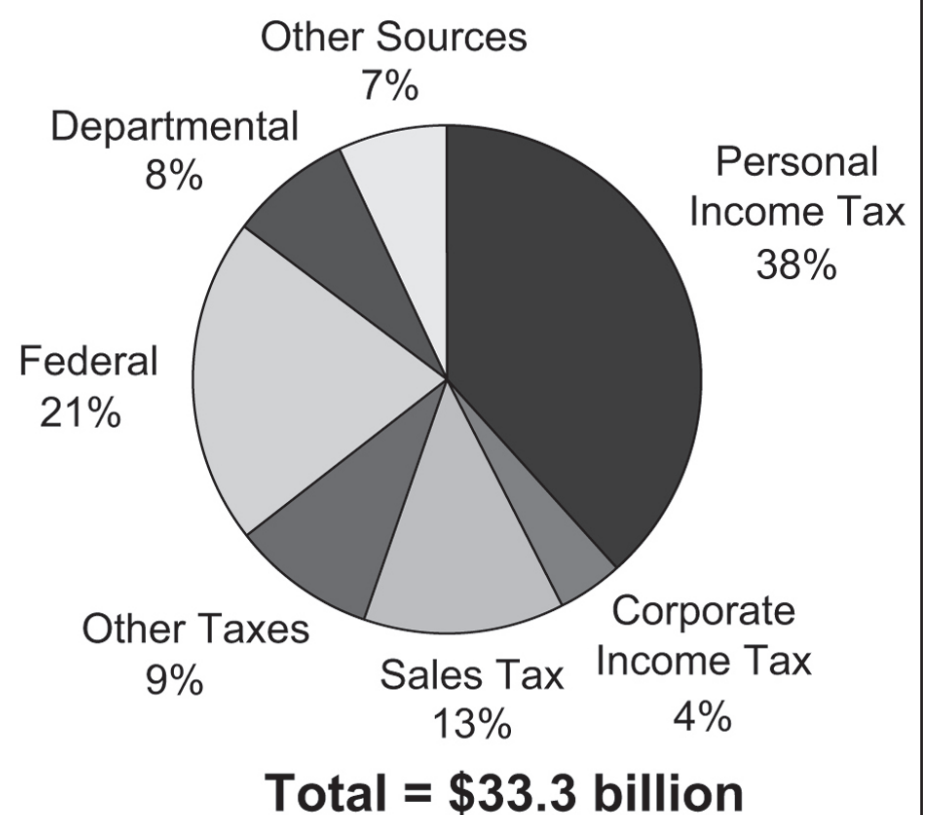
It would force property taxes to skyrocket.

Cities and towns would have to raise property taxes to fund basic services. If you think that won't happen, look at income-tax-free New Hampshire, which has the highest property taxes in the country as a share of personal income.

What are the MTA and AFT Massachusetts doing to stop the repeal?

MTA and AFT-MA are helping members organize against this destructive plan. Through the Coalition for Our Communities, MTA and AFT-MA are working with other groups to win in November. Talk to your local leadership or go to <massteacher.org> or <aftma.net> for more information.

FY09 House 2 Revenue Sources



Join an MSCA Committee for 2008-2010

MSCA has several standing committees that carry out important work on behalf of the union's membership. Your energy, ideas and participation are needed on these committees 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 (full-time, 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 the first Friday in October of this year. All committees will soon thereafter elect a chairperson who will serve a two-year term. Current committee members must be nominated again if they wish to continue on the committee.

If you are interested in serving on any of the committees listed below, please contact your chapter president (listed in the sidebar panel on page 4) to be nominated. Although there is no uniform deadline, it is recommended that you contact your chapter president no later than mid-September if you are interested in any MSCA Committee.

Please consult the MSCA constitution (posted on the MSCA website) or contact MSCA President C.J. O'Donnell at (508) 830-6684 or <msca@comcast.net> if you have questions.

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 responsible for monitoring AA/EO/DIV practices on the campuses.

Bargaining Committee (day unit): Members are responsible for negotiating the MSCA day unit contract, which expired on June 30, 2008.

Bargaining Committee (DGCE unit): Members are responsible for the preparation of a bargaining proposal and negotiating the contract for the MSCA DGCE unit, set to expire on August 31, 2009. Negotiations are expected to commence during the 2009 spring semester.

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

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 2010 spring semester.

Grievance Committee: Members typically serve as the chapter grievance officer; the Committee is responsible for processing grievances in accordance with both contracts and deciding those grievances to be sent to mediation and/or arbitration.

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

Librarians Committee: Members discuss and monitor issues pertaining to the state college libraries and librarians.

Another way to engage with your union is to serve as a contributing editor to the *MSCA Perspective*. Members serve as campus resource persons for articles, guest editorials and general editorial policy for the *MSCA Perspective*. Please contact your chapter president or Pat Markunas, editor (see box at left) for further information.

Slight Reduction Seen in Excess Workload Credits

Excess Credits Remain at Several Campuses

Pat Markunas, *Perspective* Editor

As some members may recall, MSCA discovered a major problem in the administration of Article XII, Section A (Faculty Workload) several years ago. As president, I received a phone call from a chapter president who said that a faculty member at his campus had 18 courses in excess of the contractual limits.

The assertion seemed so bizarre that I questioned him: "Surely you mean 18 credits, not courses." He assured me that he was correct: 18 courses, 54 credits in excess of contractual limits. We soon discovered that the problem was widespread and that 54 excess workload credits was by no means the largest overload among state college faculty.

MSCA filed a consolidated grievance in 2005 and presented the case to Bridgewater State College President Dana Mohler-Faria, then-chairperson of the Massachusetts State Colleges Council of Presidents. Although his ruling asserted that the contract had not been violated (an assertion that MSCA has not accepted), he ordered college administrations to comply with the contractual limits on faculty workload. (See a related article in the November/December 2006 issue of the *MSCA Perspective*.)

The ruling stated that the college administrations had to make adjustments in faculty workloads to reduce the excess credits on a voluntary basis until the 2008 fall semester. Effective that semester, any faculty member who had more than three excess workload credits could not be assigned to teach more than nine semester hours of credit of instruction until the excess credits were reduced to three or fewer.

MSCA has monitored compliance with President Mohler-Faria's ruling since it was issued. Because the excess workload credit problem was so severe, progress in reducing the problem voluntarily has been slow.

An examination of the data from the past two academic years (see table at right) shows small reductions in the number of faculty with three or more excess workload credits (4% decrease), the average overload (7% decrease), and the total number of excess workload credits (11% decrease).

At the end of the 2008 spring semester, MSCA requested the assigned 2008 fall semester workload for the 227 faculty members statewide who had more than three excess workload credits at the end of the 2007-08 academic year. Compliance with President Mohler-Faria's ruling varied.

At Worcester State College, where the excess workload problem was most severe, nearly all affect-

ed faculty members had been assigned nine or fewer semester hours of credit of instruction for the 2008 fall semester. These assignments should result in a meaningful reduction in the excess workload problem at that campus.

However, at Salem State College and Bridgewater State College, compliance with President Mohler-Faria's ruling was not as evident. After a thorough review of the information gathered, MSCA's representatives to the Employee Relations Committee decided to monitor this situation for another academic year.

If substantial progress has not been achieved at that point, additional actions (mediation, arbitration, unfair labor practice) may be taken to enforce the ruling on the consolidated grievance and the contractual limits on faculty workload.

The responsibility to uphold all provisions of the contract does not rest only with MSCA leadership or with management. In this consolidated grievance, all faculty members have a stake and a duty to uphold the contractual limits on assigned workload.

Faculty members who have accrued more than three excess workload credits should insist that their workload be reduced to not more than nine semester hours of credit of instruction until their excess is reduced to three or fewer credits. Department chairpersons should be involved in the execution of this ruling and abide by its requirements when assigning faculty members' workload. Only then will the nearly 2,000 excess workload credits be reduced.

Any faculty member or department chair who encounters resistance from management in abiding by the requirements of this ruling should contact the chapter president, the chapter grievance officer or the MSCA president. Copies of the ruling can be obtained from the MSCA president's office (see page 4 for contact information).

WORKLOAD IN EXCESS OF CONTRACTUAL LIMITS (For faculty with three or more excess credits, only) (AYs 2006-07 and 2007-08)				
	End of 2007	Average Overload	End of 2008	Average Overload
BRIDGEWATER STATE COLLEGE				
# of Faculty	69		57	
# of Credits	452.04	6.6	369.9	6.5
FITCHBURG STATE COLLEGE				
# of Faculty	9		3	
# of Credits	45	5.0	18	6.0
FRAMINGHAM STATE COLLEGE				
# of Faculty	6		5	
# of Courses	8.54	1.4	5.25	1.1
MASS COLLEGE OF ART + DESIGN				
# of Faculty	6		27	
# of Credits	45	7.5	133	4.9
MASS COLLEGE OF LIBERAL ARTS				
# of Faculty	23		15	
# of Credits	132.77	5.8	81.36	5.4
MASS MARITIME ACADEMY				
# of Faculty	6		7	
# of Credits	38.61	6.4	42.31	6.0
SALEM STATE COLLEGE				
# of Faculty	73		73	
# of Credits	469.2	6.4	430	5.9
WESTFIELD STATE COLLEGE				
# of Faculty	37		22	
# of Credits	237.47	6.4	123.6	5.6
WORCESTER STATE COLLEGE				
# of Faculty	57		64	
# of Credits	621	10.9	615.5	9.6
TOTAL (except FRAMINGHAM)				
# of Faculty	280		268	
# of Credits	2041.09	7.3	1813.67	6.8

It's Your Right: Part-time Day and DGCE Faculty Eligible for Unemployment Compensation

Pursuant to Massachusetts General Laws, c. 151A, § 28(A), MSCA faculty members who teach part-time in the day bargaining unit and/or in Division of Graduate and Continuing Education may be eligible for unemployment compensation for the weeks between two successive instructional periods. Eligibility applies to faculty whose **only** employment is as a part-time day and/or DGCE faculty member and who meet the threshold requirements entitling them to unemployment insurance under M.G.L., c. 151A.

In most instances, unemployment compensation is not available to educators (K-12 or higher education) between instructional periods due to a specific exemption in § 28A of c. 151A. The rationale for this exemption is that these employees (in K-12 and higher education) have a contract or "a reasonable assurance" of employment in the second semester or the following academic year. This exemption, however, does **not** apply in the unique circumstances faced by part-time day faculty and DGCE faculty.

The cases that have been litigated for the MSCA have involved DGCE faculty. For DGCE adjunct faculty, the collective bargaining agreement specifi-

cally defines the term of each appointment to be "for no more than one (1) instructional period" (DGCE contract, Article VI(C)). Moreover, the contractual "Letter of Appointment" states that the "course may be cancelled ... if enrollment is insufficient" (DGCE contract, Appendix C).

MTA has represented many DGCE members before the Department of Labor and Workforce Development's Board of Review, the administrative body that hears unemployment appeals. The Board has consistently ruled that, even if a DGCE faculty member has been offered one or more courses in a subsequent semester, the DGCE faculty does not have "a reasonable assurance" of employment until the semester actually begins and is, therefore, eligible to receive unemployment compensation for the intervening weeks.

For part-time day faculty, a similar issue exists. Like DGCE faculty, part-time day faculty may have a course cancelled due to insufficient enrollment. Most part-time day faculty members, like DGCE faculty, do not receive a "contract" until after the semester begins. Therefore, part-time day faculty would not have a "reasonable assurance" of employ-

ment until the semester begins and should be eligible for unemployment compensation.

If unemployment compensation is denied, as an MTA member, faculty members are eligible for free legal services to assist with an appeal. These legal services are not available to agency fee payers. Please contact your chapter president (listed on page 4) if you believe that you are eligible for legal services or assistance with your appeal.

Contracts Available in Chapter Offices, Online

Copies of the 2004-07 MSCA day unit contract, the 2007-08 day unit agreement, and the 2006-09 DGCE unit contract are available for members at the chapter office on campus. Please contact your chapter president (listed on page 4) for copies of these contracts. All contracts are also posted on the MSCA's website <www.mscaunion.org>.

MSCA Members Elected to NEA, MTA Governance Positions

MCLA's Paolillo Elected to NEA Executive Committee



Len Paolillo

Two educators from Virginia and Massachusetts will join the National Education Association's Executive Committee, the nine-member governing body that oversees the 3.2 million-member Association. **Len Paolillo** (MSCA director from MCLA) and **Princess Moss**

(president of the Virginia Education Association) were elected by nearly 10,000 educators gathered in Washington, D.C., for NEA's Annual Meeting and Representative Assembly. Paolillo and Moss begin their three-year terms on September 1, 2008.

Paolillo is a sociology professor at the Massachusetts College of Liberal Arts. Paolillo, a seasoned activist, says NEA's diversity is its strength.

"We all play a vital role in carrying out our mission, whether you are a teacher, professor, librarian or school bus driver," Paolillo said. "NEA's members have so much to offer in furthering the Association's objectives. I plan to continue to push for comprehensive strategies to overhaul the No Child Left Behind Act in order to get it right. I also want to repeal offsets that reduce public employees' Social Security benefits."

Paolillo has served as chair of NEA's Committee

on Legislation for the past three years. He previously served on the NEA Board of Directors and as vice president of the Massachusetts Teachers Association. As part of the MSCA, Paolillo served as president, vice president and chapter negotiator.

Moss is an elementary school music teacher in Louisa County, Va., where she has taught for 21 years. A champion of children and public education, Moss is known for being proactive, progressive and productive.

"The time has come for us to embrace new opportunities, new technologies, and new ideas if NEA is to stay in the forefront leading the way in public education," Moss said. "I look forward to working with members to preserve best education practices and push for the resources our children need to be globally competitive."

Moss is currently serving her second term as president of the 62,000-member Virginia Education Association. She sits on the NEA Board of Directors and previously served as vice president of VEA and president of the Louisa Education Association.

"Their dedication has swelled from the school campus to the nation's capital," NEA President **Reg Weaver** said of Paolillo and Moss. "They bring a great spirit to the governing body of NEA. They inspire, encourage and get the job done for America's students and educators."

The NEA Executive Committee consists of nine members: three executive officers and six members elected at large by the Representative Assembly. The committee is responsible for guiding NEA policy and acts for the NEA Board of Directors in between its four regularly scheduled meetings each year.

Fitchburg's Colbert Elected to MTA Board of Directors



Ron Colbert

The Massachusetts Teachers Association is pleased to announce that **Ron Colbert** from Fitchburg State College has won the special election for the Region 45H seat on the MTA Board of Directors. Region 45H comprises the faculty and librarians from the nine Massachusetts state colleges.

Colbert's three-year term began when he attended the summer Board meetings held at the MTA's Summer Leadership Conference in early August at Williamstown.

An educator for 32 years, Colbert's involvement with the MTA includes local committee work in the public schools, service on MTA statewide committees and, most recently, serving as treasurer of the Fitchburg/MSCA chapter.

Colbert is a professor of education at Fitchburg

State College, where he has taught undergraduate and graduate courses on literacy education in the early childhood, elementary and middle level programs at Fitchburg since 1989.

"Teaching teachers brings me great joy, reward and much personal satisfaction," he said. His participation in education at the state and national levels includes serving as secretary of the Massachusetts Colleges of Teacher Education (MACTE) and vice president of the Association of Childhood Education International (ACEI).

Colbert is best known for his work in national teacher accreditation. He sits on the NCATE Specialty Area Studies Board, which advances accountability and standards in teacher education.

"My first goal as the 45H board member is to ensure that our MSCA member agenda can be heard," Colbert said. "I look forward to working hard the next three years."

Colbert also recognized the contribution of **Len Paolillo** (see item above), who is leaving the MTA Board after many years of service. "He has set the bar high — as have many of our MSCA leaders — and I look forward to representing our members." Colbert welcomes your thoughts by email at <rcolbert@fsc.edu> or by telephone (978-665-3493).

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MSCA Board Meetings Academic Year 2008-2009

Regular meetings of the MSCA Board of Directors begin at 10:00 a.m. and usually adjourn around 3:00 p.m. Meetings are open to all MSCA members in good standing — full-time, part-time and DGCE. 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 <msca@comcast.net> to request a place on the agenda or with any other question about Board meetings.

September 5
Framingham State College
McCarthy College Center – 1839 Room

October 3
Massachusetts College of Liberal Arts
Murdock Hall – 216

January 9 (if needed)
Worcester State College – Fallon Room

November 7
Framingham State College
McCarthy College Center – 1839 Room

December 5
Framingham State College
McCarthy College Center – 1839 Room