
THE ARBITER

The Newsletter of the MSCA Bargaining Committees



This newsletter provides views and insights from the MSCA Silent Representatives during the 2020-2023 Bargaining Negotiations. This issue contains feedback from the Day school contract negotiations.

The Massachusetts
College of Liberal Arts
in North Adams

Introduction

Greetings! I am Christopher Gullen, the MSCA Webmaster and Bargaining Action Leader as well as a faculty member in the Communication Department at Westfield State. The purpose of this newsletter is to provide feedback and insights from the silent representatives during the day bargaining negotiations for the 2020-2023 contract. MSCA members are welcome to attend Bargaining Sessions as silent representatives as well.

The next bargaining session is 20th July 2020 from 12 Noon - 4:00 PM via zoom. Please consider joining us as a silent representative so that your voice can be heard. The more feedback and participation we can get in the bargaining process, the better off we all are.

The following observations are from the bargaining session on 17th June, 2020. For obvious reasons, names are redacted but I've tried to group the comments by loose topics. Hopefully, you will get the general idea of what your colleagues have experienced in bargaining.

Please do not hesitate to contact me with questions or feedback on this newsletter.

In Solidarity,
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Impact on Management

As a silent representative, I have been able to see first hand the difficult and frustrating interactions between our bargaining team -represented by Maria Hegbloom - and management team -represented by attorney Elizabeth Sullivan. Even before the pandemic, the process is lengthy and ideally would be more efficient. I have learned the importance of the presence of silent representatives during the bargaining meetings. Now in Zoom, despite turning off our cameras, and muting our mics during bargaining, we are noticed. We are noticed by management. And perhaps, more importantly, we are noticed by our colleagues in the bargaining team. As silent representatives, we support and provide feedback to our colleagues during the caucuses, and we also communicate with our respective campuses and across campuses to share what we observe. Being a silent representative is a powerful and important role to support our faculty.

We saw delays. Bargaining didn't get started in earnest until about 45 minutes in because the attorney for the CoP (Council of Presidents) kept talking about how they object to having silent representatives present as part of MSCA's bargaining team.

We had seen the delays before. It was a déjà vu experience since in a previous session many silent representatives showed up in Zoom, and the attorney expressed concern about this and almost suspended the meeting. It was curious because they said we'll go forward, but we (management) just want to object. And apparently they wanted to spend everybody's time doing so for a while! We were sorry to miss more time dealing with substantive issues. We feel very concerned about getting an agreement before the school year starts.

Management Preparedness

Management keeps employing stalling techniques - as in 1) asking for unnecessary explanations and presentations of the MSCA team about Bargaining items already known to all; 2) taking additional time to "get back" to the MSCA team during negotiations as well as in between negotiation meetings 3) repeating cliches and commonplace expressions that are intended to annoy the MSCA team such as "that's not fair", "that is fiscally irresponsible" but without offering a counteroffer, and letting the words hang in the air. All these are intentionally irritating and, while it is understood that negotiations are never smooth and rapid, I find that they would move faster if management had the willingness to actually work with us.

I have attended two bargaining sessions, June 17 and the one before it. At the first session, management seemed to be totally unprepared to do anything except pursue the idea that all bargaining had to be put into abeyance until the Covid crisis was over. The attorney that speaks for them appeared to be sticking tenaciously to her script. I thought the union's spokeswoman did a very good job pushing back against this stonewalling and pointing out the legal issues management's refusal to bargain raised. The attorney's only response was that they were not refusing to bargain.

The June 17 session felt like watching snow melt, not that the earlier one was so dynamic. The union and management's attorney worked through a list of issues the union had put on the table. The attorney kept claiming that management thought the points the union had raised were a 'take it or leave it' proposal. With more patience and grace than I could ever have managed the union's negotiator responded each time that these points were put forward for bargaining and the union always intended to bargain.

I have felt that my presence as a silent representative has forced management to engage — even minimally. At the second session I attended, the attorney did not seem to be returning repeatedly to one narrow script. She did engage in a lot of annoying lecturing of the union.

We learned that scheduling has been hard to do with the management team. We figured out that this time management practice (the 45 minute delay) wasn't just the obvious impediment. By listening to discussions about scheduling, we came to see that this expenditure of 45 minutes of 60+ peoples' time was in the context of the difficulties MSCA has had in getting the CoP to schedule bargaining sessions.

Representation

FSU (Framingham State University) management isn't represented on the Council of Presidents' team. Where's the FSU representation on management's bargaining team? This issue has been raised before, but it is a concern that Javier and the values shared at Framingham State aren't being well-served in this situation!

We heard the primacy of part-time faculty in the MSCA's proposals. We were very appreciative of our MSCA bargaining team's readiness to meet as many times this summer, and of their intense focus on getting important answers that relate to the needs and concerns of part-time faculty. As we talked among ourselves, we saw this as highly linked to diversity, equity, and inclusion goals for our institution.

Appreciation

Say thank you, but also **behave** with thank you. As they have at the other meetings we've audited, the attorney spoke about the CoP's appreciation for the hard, collaborative, and flexible work of faculty and librarians during the pandemic transition. They said thank you several different ways. Some of us wanted to say two things (but we are silent of course). First: truly, we thank all of our colleagues in administration, too! So many people in every situation are working hard and beyond their comfort zone and familiarity. And then we wanted to say, like we try to teach our children, you don't just say thank you, you behave with thank you.

My overwhelming sense about the bargaining session was that management had no interest in talking to us, listening to us, working with us in any way to move ahead. There seems to be no appreciation for how much we are doing right now to make sure we are the best educators we can be so that our students can be successful. No matter what our bargaining team says, the same tired talking point is repeated: "we have defined that as financial and we are not bargaining financials." Intransigent. It's like dealing with a three year old who refuses to look at the world from behind their tightly closed eyelids: everything is what they say it is and there is no way they will consider any other point of view.

It is very frustrating when someone who maybe knows about labor law but nothing about teaching or learning is telling us that we don't understand. The words management uses to talk about our working lives are ill-fitted to describe our working life experiences. They speak like an alien observer who doesn't really understand what the subjects are doing, so they use words that routinely are beside the point, talking at random about what they think they observe, but missing our main points entirely. It feels insulting and patronising.

General

Management mentioned that there were parts of the [one year] proposal that they just could not discuss. The administration feels as though the health of the commonwealth is in jeopardy and any cost is not allowed. There are costs, according to the administration, to

some parts of the proposal. They include things that the administration called “fiscally irresponsible”--these ‘cost items’ will not be negotiated:

1. There cannot be any cap on enrollment of 20 students. This would cost 7 million dollars in extra cost.
2. There cannot be any retirement incentive because it costs money.
3. Notification for part time faculty 30 days before class cancellation
4. Creation of librarian department head; this would create more money for department stipends

MSCA said that we were always willing to discuss--this is why we are meeting. As counterpoints:

1. The union did significant research to figure out what is the ideal class size for online courses; what is the research the administration did? How did they come to the 7 million figure?
2. Retirement incentives actually save money in the long run, and they are optional for each campus.
3. The notification was a courtesy, there is no cost associated with it.
4. Librarians contribute to the community and want to have the ability to contribute like other heads. This cost is not significant.