

# MSP GENERAL ASSEMBLY

April 27, 2020

## AGENDA

1. President's report – Eve Weinbaum (12:00 – 12:20)
2. Bargaining update – Asha Nadkarni (12:20-12:25)
3. Questions and answers – Christine Turner (12:25 – 12:40)
4. Treasurer's report – Jenny Adams (12:40 - 12:50)
5. Vote on MSP budget for FY21 (12:50 – 12:55)
6. MSP elections (12:55 – 1:00)

## GROUND RULES

- This meeting is for MSP members only. Please be respectful of everyone's point of view.
- Please do not record or photograph the meeting in any way
- Please stay on mute so that everyone can hear.
- At any time, feel free to type questions or comments into the Chat box.
- MSP staff will keep a copy of the Chat from the meeting, and after the meeting we will add to the FAQ and post this PowerPoint on the MSP website: [umassmsp.org](http://umassmsp.org)
- If you have questions about your individual situation, please email them directly to [msp@umass.edu](mailto:msp@umass.edu). All queries to the union are confidential.

## UMASS BUDGET SITUATION

- UMass Amherst spent over \$40 million reimbursing students for room/board
- The campus saved approximately \$20 million in reduced expenses
- Federal stimulus (CARES Act) brought in over \$18 million – but \$9 million is reserved for student emergency needs
- Existing gap for this semester (FY20) approximately \$10 million
- Waiting for CARES 2...MSP and MTA are lobbying and we need your help
- Update from Max Page, MTA Vice President

## PLANS FOR FALL SEMESTER

Provost's committee is looking at various scenarios and deciding about fall:

- Everyone on-campus except international students who cannot get visas
- Late start to the semester
- Split semester
- De-densify campus – some students on campus and some at home
- All online – possibly with decreased tuition

MSP is entering into expedited negotiations around these scenarios

# PRINCIPLES FOR BARGAINING

## -- **Online education vs. remote learning – MSP proposals:**

- Teaching online, or combining online and in-person, has workload implications – multi-modal is equivalent to teaching two courses
- Most faculty are on 9-month contracts and must be paid for summer work
- Must have protections for our intellectual property and creative contributions
- Cannot set a precedent – not the “new normal”

-- **If students are on campus, we need full testing, PPE, and paid sick leave for all faculty, staff, and students**

-- **If cuts are necessary, start with cuts for high-paid administrators and non-academic programs**

-- **Open the books and discuss alternative sources of savings**

# MSP CONTRACT PROVISIONS AROUND LAYOFFS AND RETRENCHMENT

- People on continuing appointments have “just cause” protection:
  - NTT faculty after 3 years FTE
  - Clinical faculty after 4 years FTE
  - Librarians after 5 years at half time or more
  - Tenured faculty
- People without continuing appointments are “probationary:”
  - Anyone on a contract with a fixed end date
  - Pre-tenure faculty
- **Non-reappointments** require notice
- **Layoffs** require notice
- **Retrenchment** requires notice and declaration of financial exigency

# LIBRARIAN NOTICE OF REAPPOINTMENT ARTICLE 20.9.1

Length of Continuous Service to the University	Expiration of Appointment	Minimum Notice of Reappointment or NonReappointment Prior to Expiration of Appointment
1 <sup>st</sup> year of service	End of 1 <sup>st</sup> year	3 months
2 <sup>nd</sup> year of service	End of 2 <sup>nd</sup> year	6 months
2 <sup>nd</sup> year of service	End of 3 <sup>rd</sup> year	12 months
3 <sup>rd</sup> through 5 <sup>th</sup> year of service	Any time	12 months

Failure to provide appropriate notice requires a one-year terminal reappointment



## LECTURER REAPPOINTMENT NOTICE: ARTICLE 21.9

- Lecturers with one-semester appointments must be notified of non-reappointment before the end of the current semester
- First-year lecturers at half-time or more must receive notice no later than March 1<sup>st</sup> (3 months before appointment ends) if they are not to be reappointed for the coming academic year
- Second-year lecturers at half-time or more must receive notice no later than December 15<sup>th</sup> (6 months)
- Third-year lecturers at half-time or more must receive notice no later than August 15<sup>th</sup> (12 months)
- Failure of the administration to meet notice requirements entitles a lecturer to an appointment or payment equivalent to the notice period

## LAYOFF PROVISIONS FOR NTT WITH CONTINUING APPOINTMENTS

- NTT faculty with continuing appointment can be laid off if the work is transitioning to a tenure-track position, or if the work is being eliminated – BUT at least one year's notice is required
- Order of layoffs is detailed in the contract – with protection for those with most seniority
- Layoff periods count toward continuity of service
- Faculty with continuing appointments who are laid off may remain on a recall list, eligible for new work for three years

# RETRENCHMENT ARTICLE 22 AND 22L

Retrenchment allows the administration to break a contract with a non-tenured or tenured faculty member or librarian prior to expiration. If the administration is considering retrenchment of librarians, NTT, or tenure-track faculty, the contract requires them to:

- Demonstrate that there is “financial exigency”
- Form a joint MSP-administration committee to consider alternatives to retrenchment
- Provide a preliminary retrenchment plan to the MSP as well as faculty governance bodies, including all details of proposed retrenchment
- Share all financial information, data, and statistics relevant to the retrenchment plan, which the union can share with our members
- Provide MSP with 30 days to comment on the preliminary retrenchment plan
- Provide a final retrenchment plan, with specific details about which individuals in which units are to be affected, and for what duration
- Respond to 8 specific considerations listed in Article 22.4.5 detailing how retrenchment would affect faculty, staff, and students
- Follow inverse seniority, beginning with part-time faculty and librarians before full-time, with exemptions for affirmative action goals.
- If the administration is considering retrenchment “for programmatic reasons,” they must notify the union and the unit, and provide at least 90 days’ notice during the academic year, for consultation and reconsideration.
- Faculty and librarians are entitled to notice of up to one year, depending on seniority, with a possible option of partial salary payout. All full-time faculty and librarians who are retrenched can be placed on a recall list for three years

# FURLOUGH

- Furloughs have been implemented at several non-union universities
- UMass last attempted furloughs in 1991; the union sued and won back pay for all furloughed employees plus interest
- In 1995 the Mass. Supreme Judicial Court stated that furloughs cannot be imposed by the state – they violate the collective bargaining agreement
- Could be negotiated with the unions – or we could rely on existing language on layoffs and retrenchment

## UNEMPLOYMENT AND COVID-19 BENEFITS

- ALL faculty and librarians whose contract expires this spring or summer are eligible for Unemployment Insurance (UI) – including lecturers and adjuncts
- Must show a reduction in pay of 10% or more since last semester
- Adjuncts, 03s, and part-time employees are also eligible for UI
- Research faculty on grants and contracts are also eligible for UI
- Currently PUA provides an extra \$600/week through July 25, 2020
- FFCRA provides up to 12 weeks at 2/3 pay for anyone whose children are home because of COVID-19 closures of school or daycare
- MTA Legal will provide assistance to any MSP members having trouble obtaining UI or FFCRA benefits – you must be a member in good standing

# BARGAINING UPDATE

MSP's proposal for a one-year package – highlights include:

- Online education proposals
- Sick leave process
- Bereavement leave
- Childcare and eldercare funds
- Holistic teaching evaluation process
- Equitable workload processes for departments, libraries, and clinical faculty
- Equitable processes for Professional Improvement Leaves, fellowships, sabbaticals, and librarians' flex time
- Committees to discuss Teaching Tenure Track and AFR/ALR revisions

## WHAT CAN YOU DO?

- Send a message to your legislators demanding a stimulus package to fully fund public higher education!
- Teach-in: Join the MSP committee to plan a series of 4-5 virtual events this spring to address the systemic roots of the coronavirus crisis, including the healthcare system and institutional, economic, and social structures. Contact Jeremy Smith [jlsmith@library.umass.edu](mailto:jlsmith@library.umass.edu)
- Make a donation to provide meals for frontline workers who are taking care of us through this COVID-19 emergency. We are providing meals to hospital staff, EMTs, garbage collectors, and more. Donate to Feed the Frontline Western Mass: **feedthefrontlinewm.com**
- Send your ideas and questions to the MSP at **msp@umass.edu**