

SENATE No. 02001

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing for a labor/management workplace and education trust fund at the University of Massachusetts Amherst.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Stanley C. Rosenberg

Hampshire and Franklin

Ellen Story

3rd Hampshire

SENATE No. 02001

By Mr. Rosenberg, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. _____) of Stanley Rosenberg and Ellen Story for legislation to provide for a labor/management workplace and education trust fund at the University of Massachusetts Amherst. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing for a labor/management workplace and education trust fund at the University of Massachusetts Amherst.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. For the purpose of this act the following words shall have the following meanings:
- 2 “Bank” shall mean a national bank, trust company, or banking company as defined in section 34
- 3 of chapter 29 of the General Laws.
- 4 “Employer” shall mean the University of Massachusetts Amherst;
- 5 “Employee” shall mean any person employed by the University of Massachusetts Amherst and
- 6 include the collective bargaining units represented by the unions;
- 7 “Labor/Management Workplace Education Program” or “program” shall mean the joint labor
- 8 and management educational partnership between the University of Massachusetts Amherst and
- 9 the employee unions;

10 “Union” shall mean the American Federation of State, County, and Municipal Employees
11 Council 93 and its affiliated local American Federation of State, County, and Municipal
12 Employees Local 1776; the Massachusetts Teachers Association and its affiliated associations,
13 the University Staff Union, and the Professional Staff Union, Unit B.

14 SECTION 2. (a) There shall be at the University of Massachusetts Amherst a trust fund to be
15 known as the Labor/Management Workplace and Education Trust Fund, hereinafter referred to
16 as the “fund,” to support the operations and activities of the University of Massachusetts
17 Labor/Management Workplace Education Program.

18 (b) The fund shall be overseen by a board of trustees, hereinafter referred to as the “board,”
19 which shall consist of 6 members: 3 of whom shall be selected by the employer and 3 of whom
20 shall be selected by the union; provided however, that no two union board members shall be
21 from the same union. The board shall be co-chaired by 2 of the trustees, 1 selected by the
22 employer trustees and 1 selected by the union trustees. The trustees shall be responsible for
23 transferring to a bank selected by the board all contributions, including, but not limited to,
24 employer contributions, donations, funds, stocks, share certificates, bonds, securities, and all
25 other obligations.

26 (c) The trustees shall use all funds exclusively in support of the program; provided, that the
27 board may make appropriations necessary to administer the fund; including, the employment of
28 administrative, legal, accounting, expert, consultative, and clerical assistance, the purchase or
29 lease of buildings and/or land, and the purchase or lease of materials, supplies, and equipment
30 the trustees determine necessary in the performance of their duties. The trustees shall serve

31 without compensation but may be reimbursed for all reasonable and necessary expenses which
32 they may incur in the performance of their duties.

33 (d) The trustees shall keep true and accurate books of accounts and records of all transactions of
34 the fund, and will cause said books to be audited by a certified public accountant each fiscal
35 year. The accountant shall be made available to the employer and the union and shall submit a
36 final audit in writing to the trustees. Any employee or beneficiary shall be permitted to inspect
37 the books and records maintained by the trustees, provided that, the request is at a reasonable
38 time and place as determined by a majority of the trustees and that the inspection does not
39 interfere with the operation of the fund. Upon request of the employer, the trustees

40 (e) If a civil action is brought against a trustee the trustee shall be indemnified for all expenses
41 incurred in the defense of the action and shall be indemnified for damages if the claim arose out
42 of acts performed by the trustee while acting within the scope of the trustee's official duties;
43 provided, however, that a trustee shall not be indemnified for expenses incurred in the defense of
44 an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary
45 duty, an act of willful dishonesty or an intentional violation of law by the member. Such
46 indemnification shall be paid from amounts held in the fund.

47 SECTION 3. This act shall go into effect upon its passage.