

MSCF Minute



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Great News! A Settlement

by Kevin Lindstrom, MSCF President

On May 22, 2019 we finalized a settlement agreement for the lawsuit we filed regarding implementation of what we have referred to as the “workload” arbitration. The settlement will provide a total of up to \$1.9 million in back pay to eligible faculty. This is in addition to the over \$300,000 that has already been paid to faculty as part of the arbitration award.

In short, the arbitration was about measuring workload in both credits and contact hours for certain forms of work - *see list below* - where the system had been previously been using only one of the measures. The settlement agreement codifies the content of the arbitration and provides a mechanism for providing back pay to affected individuals for the 2016-17 and 2017-18 academic years. The settlement also mandates that its terms be applied to work done during the 2018-19 academic year and into the future.

Even though we didn’t know exactly when it would happen, we’ve been anticipating this day for some time. As a result, we have a plan in place to immediately begin activities related to implementation of the settlement. Specifically, we want to meet with individuals who have done work captured in the settlement to determine if back pay is due. The settlement provides a window, open until October 31, 2019, for submission of claims for back pay.

Over the coming weeks we will be posting information to our [website](#) regarding the process moving forward. Included in the posted information will be a schedule of visits to meet individually with potentially affected faculty. We will also post

an example of the worksheet to submit back pay claims, as well as directions for completing the worksheet. In addition, we will post a list of materials you will need to complete the worksheet and to submit to support the claim.

We will provide an overview of the process and answer your questions during information sessions, with both online and in-person attendance options, on June 5 at 11 a.m. and June 6 at 11 a.m. and 6 p.m. To register for a session, [click here](#).

While each individual case will be unique as it relates to this settlement, we know there is an initial screening criteria. This settlement covers the following forms of work done during the 2016-17 and 2017-18 school years:

- * Flex Labs – Article 11, Section 8, Subd. 2
- * All Student Activity Assignments – Article 11, Section 9, Subd. 1.A, C, D, E
- * Non-Uniform Activity Assignments – Article 11, Section 9, Subd. 3
- * Other Assignments – Article 11, Section 9, Subd. 2
- * Applied Music Credit Equivalency – Article 13, Section 17, Subd. 1
- * Athletic Coordination – Article 11, Section 9, Subd. 1.B
- * Department/Division Coordinator/Chair – Article 11, Section 2, Subd. 6
- * Occupational Program Coordinator – Article 11, Section 2, Subd. 7
- * High School Mentors – Article 13, Section 10
- * Independent Study – Article 11, Section 1, Subd. 5
- * Internship Coordination – Article 11, Section 1, Subd. 2

- * Non-Credit Instruction – Article 11, Section 1, Subd. 8
- * Reasonable Credit Equivalence – Article 11, Section 7
- * Preparations (exceeding 7) – Article 11, Section 2, Subd. 4
- * Combined Classes – Article 11, Section 1, Subd. 10

If you did one or more of these types of work during the two academic years mentioned, we want to meet with you when we make our campus visits. Not everyone who did these forms of work will be due back pay, but we want to talk to everyone to make sure no one who is due back pay gets left out.

In addition to this article and everything that will appear on the [website](#), in the press, and on social media, we will be sending letters to the home address on record of faculty who worked during these two years, notifying them of the nature of the settlement.

This settlement has been a long time coming. At times, it’s been a very frustrating process. In the end, however, we reached a settlement that preserved the content of the arbitration award and provided back pay to those who earned it. Our task now is to begin a process that captures everyone who is due back pay and assist them in the process of making a claim. We look forward to seeing you soon.

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