

**HOUSE . . . . . No. 1085**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ellen Story and 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 adoption 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:	DATE ADDED:
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/8/2013</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/16/2013</i>

**HOUSE . . . . . No. 1085**

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By Ms. Story of Amherst and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 1085) of Ellen Story and Stanley C. Rosenberg for legislation to provide for a labor/management workplace and education trust fund at the University of Massachusetts Amherst. Higher Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2001 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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  
2 meanings:

3 “Bank” shall mean a national bank, trust company, or banking company as defined in  
4 section 34 of chapter 29 of the General Laws.

5 “Employer” shall mean the University of Massachusetts Amherst;

6 “Employee” shall mean any person employed by the University of Massachusetts  
7 Amherst and include the collective bargaining units represented by the unions;

8 “Labor/Management Workplace Education Program” or “program” shall mean the joint  
9 labor and management educational partnership between the University of Massachusetts  
10 Amherst and the employee unions;

11 “Union” shall mean the American Federation of State, County, and Municipal Employees  
12 Council 93 and its affiliated local American Federation of State, County, and Municipal

13 Employees Local 1776; the Massachusetts Teachers Association and its affiliated associations,  
14 the University Staff Union, and the Professional Staff Union, Unit B.

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

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

27 (c) The trustees shall use all funds exclusively in support of the program; provided, that  
28 the board may make appropriations necessary to administer the fund; including, the employment  
29 of administrative, legal, accounting, expert, consultative, and clerical assistance, the purchase or  
30 lease of buildings and/or land, and the purchase or lease of materials, supplies, and equipment  
31 the trustees determine necessary in the performance of their duties. The trustees shall serve  
32 without compensation but may be reimbursed for all reasonable and necessary expenses which  
33 they may incur in the performance of their duties.

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

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

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