

**HOUSE . . . . . No. 3698**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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”, a national bank, trust company or banking company.

4 “Employee”, a person employed by the University of Massachusetts at Amherst and a  
5 member of the collective bargaining units represented by the unions.

6 “Employer”, the University of Massachusetts at Amherst.

7 “Labor-Management Workplace Education Program” or “program”, the joint labor and  
8 management educational partnership between the University of Massachusetts at Amherst and  
9 the employee unions.

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

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

18 (b) The fund shall be overseen by a board of trustees, hereinafter referred to as the  
19 “board,” which shall consist of 6 members: 3 of whom shall be selected by the employer and 3 of

20 whom shall be selected by the union; provided however, that no 2 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 depositing all contributions, including, but not limited to, employer contributions, donations,  
24 funds, stocks, share certificates, bonds, securities and all other obligations in a bank selected by  
25 the board in compliance with section 34 of chapter 29 of the General Laws.

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

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

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