

SENATE No. 1732

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 to provide fair working conditions for public higher education adjunct faculty .

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/24/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/26/2021</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>3/11/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/25/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/29/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/30/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/2/2021</i>

SENATE No. 1732

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1732) of Patricia D. Jehlen, Adam J. Scanlon, Jack Patrick Lewis, Carmine Lawrence Gentile and other members of the General Court for legislation to provide fair working conditions for public higher education adjunct faculty. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to provide fair working conditions for public higher education adjunct faculty .

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. Section 3(2)(d) of Chapter 32, as appearing in the 2016 Official Edition, is
2 amended by adding the following new paragraph:

3 For purposes of this section and notwithstanding the provisions of this chapter or any
4 other general or special law, rule or regulation to the contrary, any faculty who teach the
5 equivalent of at least two three-credit courses per semester or four three-or-more- credit courses
6 per calendar year at one or more of the public institutions of higher education, including a
7 division of continuing education, regardless of funding source, including but not limited to
8 subsidiary account CC, shall be considered an employee eligible for membership in the state
9 employees retirement system and shall earn creditable service for such time.

10 SECTION 2. Section 4(2)(b) of Chapter 32, as appearing in the 2016 Official Edition, is
11 amended by inserting the following in line 459 after the word “membership;”:

12 provided, that in the case of any faculty who teach at one or more of the public
13 institutions of higher education, including a division of continuing education, regardless of
14 funding source, including but not limited to subsidiary account CC, the board shall credit as at
15 least one-half year of service, actual service teaching at one or more public institutions of higher
16 education the equivalent of at least four three-credit courses per calendar year;

17 SECTION 3. Section 4(2)(c) of Chapter 32, as appearing in the 2016 Official Edition, is
18 amended by adding the following paragraph:

19 For faculty employed at one or more of the public institutions of higher education, the
20 board, in accordance with the provisions of this section, shall allow credit for any previous
21 period of service equivalent to teaching at least four three-credit courses per calendar year at one
22 or more state higher education institution, including a division of continuing education,
23 regardless of funding source, including but not limited to subsidiary account CC.

24 SECTION 4. Section 1 of Chapter 32, as appearing in the 2016 Official Edition, is
25 amended by inserting the following sentence in line 455 after the word “fund”:

26 In the case of part-time faculty employed at one or more of the public institutions of
27 higher education, the full salary and wages received for teaching credit courses at one or more of
28 the public institutions of higher education, including a division of continuing education,
29 regardless of funding source, including but not limited to subsidiary account CC, shall be
30 regarded as regular compensation and shall be included in the salary on which deductions are to
31 be paid to the annuity savings fund.

32 SECTION 5. Section 2 (e) of chapter 32A of the General Laws, as appearing in the 2016
33 Official Edition, is hereby amended in line 117 by inserting after the word “hours” the following:

34 - “; or a faculty member who teaches the equivalent of at least two three-or-more- credit courses
35 per semester, or four three-or-more- credit courses per calendar year at one or more of the public
36 institutions of higher education in the state, as set forth in section 5 of chapter 15A, including a
37 division of continuing education, regardless of funding source, including but not limited to
38 subsidiary account CC, and regardless of the term of employment or participation or membership
39 in a retirement system or plan; provided, that the commonwealth, not the public higher education
40 institutions, shall bear the cost.”

41 SECTION 6. Notwithstanding any general or special law, rule or regulation to the
42 contrary, for all part-time or non-tenure track faculty members employed at a public institution
43 of higher education who are enrolled in the Commonwealth’s SMART Plan, as permitted by the
44 federal Omnibus Budget Reconciliation Act of 1990, the state employees retirement system shall
45 contribute to the SMART PLAN an amount not less than seven and one half percent of each
46 employee's regular compensation.

47 SECTION 7. Notwithstanding any general or special law, rule or regulation to the
48 contrary, all part-time and adjunct faculty shall, subject to collective bargaining with the
49 exclusive representatives of the full-time and part-time faculty at the public institution of higher
50 education, receive pay that is equal, on a pro rata basis, with that of full-time, non-tenure track
51 faculty of comparable qualifications doing comparable work, which shall include, but not be
52 limited to, teaching, research and service.

53 SECTION 8. Notwithstanding any general or special law, rule or regulation to the
54 contrary, each public institution of higher education shall establish a process under which part-
55 time and other non-tenure track faculty, after successful completion of a probationary period,

56 receive timely notice and priority consideration, consistent with other institutional and state
57 policies, for part-time and non-tenure track teaching assignments. The implementation of this
58 section, but not the requirements for timely notice and priority consideration, is subject to
59 collective bargaining between the public institutions of higher education and the exclusive
60 representatives of part-time and non-tenure track faculty.

61 SECTION 9. Notwithstanding any general or special law, rule or regulation to the
62 contrary, each public institution of higher education shall create a process for ensuring that
63 qualified non-tenure track faculty members receive full and fair consideration in attaining a
64 tenure-track position when one becomes available, consistent with department needs,
65 institutional and state affirmative action, and other personnel policies. This process shall ensure
66 that non-tenure track faculty: (1) accumulate seniority; (2) are notified of job openings prior to
67 the job being posted outside of the institution; and (3) are interviewed during the search and
68 screen process. The implementation of this section, but not the requirements that qualified non-
69 tenure track faculty members receive full and fair consideration in attaining a tenure-track
70 position, for accumulation of seniority, notice of job openings, and an interview, are subject to
71 collective bargaining between the public institution of higher education and the exclusive
72 representatives of part time and non-tenure track faculty.

73 SECTION 10. Nothing in this act shall be construed to either limit or reduce salaries,
74 benefits or hiring rights in existence at any public institution of higher education at the time this
75 legislation passes into law as provided in an applicable collective bargaining agreement or
76 otherwise.