

HOUSE No. 2723

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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:	DATE ADDED:
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/18/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/22/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/23/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/23/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/25/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd 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>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>3/2/2021</i>

<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/2/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/3/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/3/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>3/3/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>3/3/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>3/9/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>3/26/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/31/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/31/2021</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/5/2021</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>5/25/2021</i>

HOUSE No. 2723

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 2723) of Paul W. Mark and others relative to 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:

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

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

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

54 SECTION 8. Notwithstanding any general or special law, rule or regulation to the
55 contrary, each public institution of higher education shall establish a process under which part-
56 time and other non-tenure track faculty, after successful completion of a probationary period,
57 receive timely notice and priority consideration, consistent with other institutional and state
58 policies, for part-time and non-tenure track teaching assignments. The implementation of this
59 section, but not the requirements for timely notice and priority consideration, is subject to
60 collective bargaining between the public institutions of higher education and the exclusive
61 representatives of part-time and non-tenure track faculty.

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

74 SECTION 10. Nothing in this act shall be construed to either limit or reduce salaries,
75 benefits or hiring rights in existence at any public institution of higher education at the time this

- 76 legislation passes into law as provided in an applicable collective bargaining agreement or
- 77 otherwise.