

**PART-TIME FACULTY – THE (NOT SO) SILENT MAJORITY –
ORGANIZING, BARGAINING, AND POLITICKING**

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Jon E. Anderson

I. INTRODUCTION

- A. Today, 25-50% of all faculty are part-time, which is more than double the percentage of 20 years ago.
- B. Institutions vary widely in their practices for hiring part-time faculty. While the hiring of full-time faculty is usually very structured and centralized, the hiring of most part-time faculty remains much less formal.
- C. Given the changing demographic, part-time and adjunct professors are seeking to organize on many fronts, at both public and private institutions.
- D. As institutions increasingly rely on part-time faculty, and as colleges broaden geographically to include more satellite campuses, the implications for dealing with part-time faculty on a variety of issues take on increased complexity.

II. WHO ARE THESE PERSONS?

- A. Terminology:
 - 1. Define your Part-Time Faculty: Colleges use numerous terms to describe their part-time faculty. The legal and practical parameters of the part-time positions at each institution will depend on terminology and its consistent application. Other common names include Ad hoc, Casual, Contingent, External, Instructor, Occasional, Peripheral, and Temporary.
- B. Determining Part-Time Status.
 - 1. Colleges may define part-time based on the number of classes taught, class hours worked, or hours worked based on both in-class and out-of-class time (such as office hours, supervision, etc.)
- C. The Chronicle of Higher Education – Survey of Part-Time Faculty (2009)
 - 1. <http://chronicle.com/article/chronicle-survey-yields-a/48843/>

III. ARE PART-TIME TEACHERS INDEPENDENT CONTRACTORS?

- A. Although part-time faculty have sometimes been thought of as independent contractors in the past, the growing trend is to recognize part-time faculty as employees.
- B. IRS 20-Part Test: The IRS has promulgated a twenty-part test to determine if an individual should be classified as an employee or independent contractor. Key factors include:
1. Whether the individual must render services personally or can send someone else. (The latter indicates an independent contractor relationship.)
 2. Whether the employer has set hours of work for the individual.
 3. Whether the work must be done on the employer's premises.
 4. Payment at regular intervals rather than by job performed. (The latter indicates an independent contractor relationship.)
 5. The power to hire and fire.
- C. Case law and the prevailing wisdom suggest that part-time faculty in most instances will likely be classified as employees.
1. In George Washington University, Case 5-RC-15715 (2005), a National Labor Relations Board ALJ found that part-time faculty who were hired to teach a course were employees, and not independent contractors. This was despite the fact that the University had signed an independent contractor agreement with them and paid their compensation into a business. The ALJ found that the University's control over class hours and the requirement that they personally teach the class rendered them employees.
 2. In several cases that have arisen in federal tax court concerning part-time faculty, the courts largely find them to be employees for tax purposes. *See e.g., Beitel v. Comm'r of Internal Revenue*, No. 17769-99S, 2001 Tax Ct. Summary LEXIS 205 (T.C. July 5, 2001); Potter v. Comm'r of Internal Revenue, Docket No. 8744-92.
- D. The Penalties for Misclassification are Significant: If an institution misclassifies employees as independent contractors, it will be liable for all applicable withholding and social security taxes, and may also be liable for interest and other penalties for the time period at issue, depending on the reasonableness of the misclassification. 26 U.S.C. § 3509 (2003).

IV. WHO ARE YOUR PART-TIME FACULTY?

- A. Are they professionals with primary employment elsewhere who teach because they enjoy sharing their practical expertise?
- B. Is their primary employment elsewhere and are they teaching to earn extra money?
- C. Are they ABD or recent graduates who are looking for full-time employment in their fields and, in the meantime, "cobbling" together a living teaching part-time at this and other institutions?
- D. Are they individuals who are not employed elsewhere and who just want to teach a course or two?
- E. Are they administrators at the institution who enjoy the teaching?

V. WHAT DO YOU EXPECT OF YOUR PART-TIME FACULTY?

- A. Are they expected to become familiar with the institution's policies and practices, such as those relating to non-discrimination?
- B. Are there orientation sessions that they are required to attend?
- C. Are they expected to hold office hours?
- D. Are they expected to advise students?
- E. Are they expected to supervise independent study students?

VI. WHAT DO YOUR PART-TIME FACULTY EXPECT OF YOU?

- A. Do they anticipate re-appointment if they wish to teach again?
- B. Do they expect annual or otherwise regular pay increases?
- C. Do they expect to be included in professional and social events at the department/school level?
- D. Do they expect preference for vacant full-time positions?
- E. Do they expect generally to be treated like full-time faculty who happen only to work part-time?

VII. HOW ARE PART-TIME FACULTY HIRED AND HOW ARE CLASSES ASSIGNED?

- A. Is re-appointment assumed by the part-time faculty member?
- B. Is re-appointment a given barring significant issues?
- C. Does the individual need to re-apply, as if for the first time?
- D. Does the individual remain active in the payroll/HR system even if he or she does not teach for a semester or two?
- E. Are there written hiring guidelines institution-wide? Within schools or departments?
- F. Are part-time faculty members hired to teach specific courses?
- G. Are some courses traditionally taught by part-time faculty? Are others never taught by part-time faculty?
- H. Do faculty members have input into the time and/or location of their courses?
- I. Can a full-time faculty member displace a part-time faculty member who has taught a class?
- J. Are available positions posted in a central location?
- K. Are positions advertised in local or trade publications?
- L. Is word-of-mouth the primary avenue for recruiting part-time faculty?
- M. Is there an interview with a chair or program director?
- N. Does the individual need to complete an application?

VIII. HOW DO YOU COMPENSATE PART-TIME FACULTY?

- A. Is there a college policy on compensation with a system for granting exceptions? What is the actual practice?
- B. Are part-time faculty members paid by the course? By the credit? By the hour?
- C. Is compensation pro-rated based on full-time salaries?
- D. Is compensation based on years or semesters of service?

- E. Is there discretion for schools and departments to diverge from that policy?
- F. How is the initial compensation set and how are increases determined?
- G. How is compensation determined for part-time faculty teaching non-standard courses (e.g., music lessons by the hour, independent study, supervision of student teachers)?
- H. Is compensation competitive with other area institutions?

IX. ARE PART-TIME FACULTY ELIGIBLE FOR EMPLOYEE BENEFITS?

- A. What benefits are available?
- B. Are they available to all part-time faculty?
- C. Do the benefits differ from those available to full-time faculty?
- D. Are the institution's contributions at the same level as those for full-time faculty?
- E. Do part-time faculty have access to a grievance procedure?

X. ARE PART-TIME FACULTY EVALUATED?

- A. Is there a college-wide process, or does it vary by school or department?
- B. How do part-time faculty receive the results of the student evaluations?
- C. Are there "peer" evaluations (by faculty members as opposed to students)?
- D. Are the evaluations similar or the same as those for full-time faculty?
- E. Do the evaluations include classroom observation?
- F. How frequently are the evaluations conducted?
- G. How are the conclusions communicated to part-time faculty?
- H. How do part-time faculty receive feedback from student evaluations and from other evaluations?
- I. Are evaluations used to determine re-appointment?
- J. Are evaluations used to assist part-time faculty in improving their teaching, and if so, how?
- K. Are evaluations used for disciplinary purposes?

XI. ARE PART-TIME FACULTY MEMBERS ELIGIBLE FOR PROFESSIONAL DEVELOPMENT ACTIVITIES?

- A. Are part-time faculty funded for expenses related to attendance at professional conferences?
- B. Are part-time faculty included in any school or department professional development activities?

XII. WHAT RESOURCES ARE AVAILABLE TO PART-TIME FACULTY?

- A. Are part-time faculty provided with office space by the department or in some central location by the institution?
- B. Do part-time faculty members have mailboxes?
- C. Do part-time faculty have access to computers and printers?
- D. Do part-time faculty have access to other office supplies (e.g., paper, pencils, envelopes)?
- E. Are part-time faculty provided with institutional e-mail addresses?
- F. Do part-time faculty have access to online resources like full-time faculty?

XIII. HOW WELL DO YOU INTEGRATE YOUR PART-TIME FACULTY?

- A. Are part-time faculty invited to institution or school-wide social events? Departmental events?
- B. Do part-time faculty receive institution-wide and school-wide e-mails and other communications (e.g., newsletters, holiday schedules)?
- C. Are there handbooks provided to give part-time faculty guidance on policies, procedures, and logistics (e.g., the sexual harassment policy, and where to find classroom keys or how to use classroom technology)?

XIV. PART-TIME FACULTY ORGANIZING

- A. Organizational activity is on the rise and will continue as colleges use more and more part-time faculty.
- B. Part-time faculty may attempt to form their own bargaining unit or may be included in an overall faculty unit.
 - I. WERC considers the extent to which employees in the proposed “appropriate unit” share a “community of interest,” and the extent to

which creation of the proposed unit will be contrary to the language of Sec. 111.70 (4)(d) 2.a., Stats., which provides that WERC “shall whenever possible, avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal work force.”

2. WERC holds a hearing and receives evidence as to: (1) the duties and skills of the employees; (2) where the employees work; (3) who supervises the employees; (4) the wages, hours and fringe benefits of the employees; (5) what other bargaining units exist, how many employees are in those bargaining units, and how many other employees are currently eligible for union representation; (6) whether the employees in the proposed unit share a common purpose through their work; and (7) are the employees included in an existing bargaining unit or, if unrepresented, have they been treated as a group for the purposes of determining wages, hours and conditions of employment. Arrowhead United Teachers v. WERC, 116 Wis. 2d 580 (1984).

C. Organizing issues.

1. Pro-rata salaries.
2. Health insurance and other benefits.
3. Sick leave.
4. Tuition reimbursement.
5. Office space/facility issues.
6. Job security/work assignments.
7. Inclusion.
8. Evaluation.
9. Seniority.
10. Reappointment – denial only for cause.
11. Parking.

XV. WHY DO EMPLOYEES ORGANIZE?

- A. Lack of voice in working conditions.

- B. Job security.
- C. Perceived lack of respect/job dignity.
- D. Inconsistency/favoritism.
- E. Better wages.
- F. Improved working conditions.
- G. Deficient supervision.

XVI. AFT – STANDARDS OF GOOD PRACTICE (2001)

- A. Compensation Standards – AFT.
 1. Part-time/adjunct faculty should be paid a salary proportionate to that paid full-time tenured faculty with the same qualifications for doing the same work.
 2. Part-time/adjunct faculty should receive pro-rated sick leave and pay for holidays and breaks.
 3. Part-time/adjunct faculty should receive proportionate health care and pension benefits.
 4. Part-time/adjunct faculty should be paid for holding office hours for student conferences.
 5. In the absence of full pro rata pay, part-time/adjunct faculty who participate in institutional committee work should be compensated for doing so.
 6. Part-time/adjunct faculty should have unemployment insurance available to them when they are not on the college payroll.
- B. Employment Standards – AFT.
 1. Part-time/adjunct faculty members should be initially hired with the same care and subjected to the same interview process as any other applicant to the department.
 2. A probationary period of time should be set for the evaluation of part-time/adjunct faculty members, after which they will achieve a form of job security.

3. Upon successfully completing a probationary period, part-time/adjunct faculty should achieve a form of seniority.
4. Once seniority is achieved, part-time/adjunct faculty should be subject to non-reappointment in only two circumstances—if the courses taught are not being offered, or for cause, utilizing all due process protections.
5. Part-time/adjunct faculty should be permitted to order their own texts and design their own courses unless these are departmental decisions, in which case part-time/adjunct faculty should be invited to participate in the deliberations.
6. Qualified part-time/adjunct faculty who have successfully completed a probationary period should be given preference in consideration for full-time positions in accordance with the requirements of the position, the needs of the department and the part-time/adjunct faculty member's seniority.

C. Standards of Professional Responsibility and Support – AFT.

1. Upon initial appointment, part-time/adjunct faculty members should be oriented to the institution and to the department, to the curriculum and support services, to the institution's governance and structure, and to the department's expectations regarding the successful performance of their duties.
2. To ensure adequate preparation time, class assignments should be made, whenever possible, using the same calendar and time line accorded full-time faculty.
3. Part-time/adjunct faculty should be provided suitable office space and should have paid office hours to meet with their students.
4. Part-time/adjunct faculty who have achieved seniority and the job security that goes with it should be invited to participate in departmental meetings and other committees with voting privileges and should be compensated for doing so.
5. Part-time/adjunct faculty should have access to secretarial and technological support services necessary to the fulfillment of their responsibilities as well as to adequate supplies, to the library and to other campus privileges.
6. Part-time/adjunct faculty should have opportunities and financial support to participate in conferences and workshops for their

professional development, to apply for grants and to participate in the institution's tuition support program.

XVII. CONCLUSION

- A. Part-time faculty have become a significant part of academic programs.
- B. Fair treatment is warranted.
- C. Union organizing activity is up.
- D. Prepare now:
 - 1. Pay attention to employee morale.
 - 2. Pay attention to wage rates and benefits.
 - 3. Use discipline wisely.
 - 4. Recognize advancement opportunities.
 - 5. Address concerns/issues now.

Jon E. Anderson
GODFREY & KAHN, S.C.
One East Main Street, Suite
500
P. O. Box 2719
Madison, WI 53701-2719
(608) 257-3911
janderson@gklaw.com