

-->

The Adjunct Benefits Bill: An Amendment to Senate Bill 1370

Latest Update

There is a lot of excitement going on right now for adjuncts at ACC as well as part-time community college faculty across the state. Over the summer, Senate Bill [1370](#) passed and became law. The good news is that this bill contains an amendment that will allow long serving adjuncts who teach both long semesters and at least 12 LEH yearly to become eligible for health benefits.

What Happened?

During a discussion of [SB 1370](#) in May 2003, [Charles Zucker](#), the executive director of the [Texas Faculty Association \(TFA\)](#), was the "man on the spot" in bringing to Rep. Diane Delisi a proposed amendment that allows adjunct faculty to obtain health care benefits at local college expense (the adjuncts will also contribute to their premiums). The amendment is basically a regurgitation of the Bailey bill ([HB 2639](#)), with the exception of the fiscal note.

What Does the Amendment State?

Sec. 1551.1021. PARTICIPATION ELIGIBILITY: CERTAIN FACULTY OF INSTITUTIONS OF HIGHER EDUCATION.

(a) An adjunct faculty member at a public institution of higher education is eligible to participate in the group benefits program as an employee if the faculty member:

- (1) receives compensation for services rendered to a public institution of higher education as an adjunct faculty member;
- (2) has been employed as a faculty member by the same public institution of higher education and has taught at least one course in each regular fall and spring semester at the public institution of higher education in each of the preceding three academic years; and
- (3) is under contract or is scheduled to teach at least 12 semester credit hours in the academic year of coverage or, if the person is also employed by the public institution of higher education to perform nonteaching duties, is under contract or is scheduled to teach at least six semester credit hours in the academic year of coverage and has been approved by the public institution of higher education to participate in the group benefits program.

(b) From money appropriated from a fund other than the general revenue fund or from money available from local sources, a public institution of higher education may, for an adjunct faculty member eligible to receive benefits under this section, contribute:

- (1) not more than 50 percent of the cost of basic coverage for the employee; and
- (2) not more than 25 percent of the cost of dependent coverage.

(c) Subsection (b) does not prohibit a public institution of higher education from contributing, from money other than money appropriated from the general revenue fund, amounts that exceed the amount specified in Subsection (b) to provide coverage for a person employed by a public institution of higher

education who meets the criteria for eligibility under Subsection (a).

What Does the Adjunct Benefits Bill Accomplish?

Senate Bill 1370 includes adjunct faculty members among those individuals eligible to receive insurance benefits under the [Employees Retirement System of Texas \(ERS\)](#) provided the adjunct:

- Has taught at least one course in each regular fall and spring in each of the preceding three academic years
- Is scheduled to teach at least 12 LEH (semester credit hours) in the academic year of coverage, or
- Is also employed by the community college district to perform non-teaching duties, and is scheduled to teach at least six semester credit hours in the academic year of coverage

Why 12 LEH ?

There are state employees in Texas who receive health benefits and only work 10 hours a week, thus 12 LEH per year seemed to be a fair equivalent. Basically, adjuncts who teach half time or more (15-18 LEH or more per year) will be eligible for both [Teacher Retirement System of Texas \(TRS\)](#) and ERS health benefits once parity is achieved.

Why must the adjunct teach in both the fall and spring semesters?

Adjuncts who teach during both long semesters are devoting at least nine months a year to teaching; thus, they are making a serious commitment to the institutions. In addition, it would be difficult to deduct premiums from adjunct paychecks during semesters that the adjunct does not teach. All of this will be determined by ERS in the coming months.

Background

- The reliance on part-time faculty (or adjuncts) in universities and colleges is a national trend.
- Low salaries, nonexistent job security, and the lack of health and other benefits have driven many adjunct faculty from teaching.

In 2001-2002, the [Texas Coordinating Board of Higher Education](#) (TCB) reported:

- 69% of all community college faculty in Texas teach part-time.
- Adjuncts in Texas community colleges are paid significantly less than their full time cohorts.
- The vast majority of two-year colleges in Texas do not provide part-time faculty with health benefits.

[Click here to access the 2001 TCB Fact Book](#)

According to the Texas Employees Uniform Group Insurance Act, an employee eligible for state mandated health benefits must also be eligible for participation in the [Teacher Retirement System of Texas](#) or TRS. However, TRS and the [Employees Retirement System \(ERS\)](#) will provide benefits to adjuncts only if they are paid at a rate comparable to full-time faculty.

In a letter written to the Adjunct Faculty Association last November, TRS said that Section 821.001, Texas Government Code, specifies a definition of employee as follows:

(6) Employee means a person who is employed, as determined by the retirement system, on other than a temporary basis by an employer for at least one-half time at a regular rate of pay comparable to that of other persons employed in similar positions.

To administer the law, the TRS Board of Trustees has promulgated the following rule as cited in Title 24 of the Texas Administrative Code:

Section 25.1--Full-time Service

Employment by public, state-supported educational institutions in Texas for one-half or more of the standard work load at a rate comparable to the rate of compensation for other persons employed in similar positions is defined as regular, full-time service eligible for membership. Any employee of a public state-supported educational institution in Texas shall be considered to meet the requirements of the preceding sentence if his or her customary employment is for 20 hours or more for each week and for four and one-half months or more in one school year.

Section 25. 6 -- Part-time or Temporary Employment

Part-time (less than one-half the standard work load), irregular, seasonal, or temporary employment for a definite period of less than four and 1/2 months during a school year is eligible only if such employment, when combined with other employment in Texas public educational institutions during the same school year, qualifies as service eligible for membership or if such other employment in itself qualifies as service eligible for membership.

In 2001, the 77th Texas Legislature asked the Coordinating Board to study the disparity in pay and benefits between part-time and full-time faculty. The results of the study reveal that it would cost the state over 100 million dollars to achieve parity pay for adjuncts. Nonetheless, the disparity gap in pay is narrowing. For example, Austin Community College (ACC) adjunct faculty earn 65 percent to 75 percent of full-time faculty pay. By the fall of 2004, adjuncts at ACC are projected to earn 78 percent to 80 percent of full-time faculty pay. When that happens, adjuncts who teach half time or more (15 to 18 LEH yearly +) will be eligible for full TRS and ERS benefits. However, adjuncts at most other community colleges in Texas will not be in a position to achieve parity for many years.

[Click here to access the TCB Pay Disparity Study directed by HB 2397, 77th Legislature](#)

One of the concerns in the past has been the cost to the state and the institution. According to a study conducted by the Adjunct Faculty Association in 2001, approximately 300 adjuncts, or 25%, had taught 15 LEH (college credit hours) for the previous three years. At smaller institutions, this percentage is considerably less. In a study completed this year, nine small to medium-sized institutions responded to a survey and it was determined that less than 5% of all adjuncts at those institutions had taught 15 LEH or more for the previous five years. Based on these two studies, the Adjunct Faculty Association estimates that less than 10% of the nearly 10,000 community college adjuncts in our state teach half time or more. This would account for less than 1000 adjuncts.

For the past three decades, adjuncts at Texas community colleges have attempted to obtain health benefits to no avail (for example, [HB 3510](#), authored by Roberto Gutierrez during the 77th Legislative Session). In the spring of 2001, HB 3510 received a hearing in the Higher Education committee of the Texas State Legislature. ACC adjuncts Becky Villarreal, Dan Dewberry, and Allison Mosshart all testified on behalf of the bill. Unfortunately, the bill ultimately died in committee.

During the 78th Legislative Session, [HB 2639](#), authored by Representative Kevin Bailey, challenged the Texas Employees Group Benefits Act, making adjunct faculty members of Texas community colleges eligible to participate in the group benefits program without forcing the state to increase adjunct pay. This bill was referred to Pensions and Investments, but it was killed before it had a chance to be heard on the floor.

Two months later, Charles Zucker of TFA presented the amendment to [SB 1370](#) and the bill was signed into law in June 2003.

Kudos

There are several key individuals who need to be thanked:

Charles Zucker, executive director of TFA, for proposing the amendment:
charlesz@tsta.org

Rep. Diane Delisi, for amending [SB 1370](#) to allow colleges to add adjuncts to the health insurance pool:

<http://www.house.state.tx.us/members/dist55/delisi.htm>

Senator Robert Duncan, for supporting the adjunct amendment in [SB 1370](#):

<http://www.senate.state.tx.us/75r/senate/members/dist28/dist28.htm>

Rep. Kevin Bailey, for sponsoring [HB 2639](#):
<http://www.house.state.tx.us/members/dist140/bailey.htm>

Rep. Elliott Naishtat, for always standing up for adjuncts:

<http://www.house.state.tx.us/members/dist49/naishtat.htm>

Rep. Roberto Gutierrez, for sponsoring [HB 3510](#) two years ago:

<http://www.house.state.tx.us/members/dist41/gutierrez.htm>

Although Charles Zucker and Diane Delisi deserve the majority of the credit, all of us who addressed the health benefits issue in this session and who've worked on it over the years can take some credit. Most important, however, is realizing that ORGANIZED higher education employees made this happen. In particular, we are all thankful for the tireless efforts of Linda Young, Ted Molina-Rabb, Don Morris, Dan Dewberry, Myra Bradley, and Evan Butcher. In addition, I appreciate the work of President Fonte, the ACC Board of Trustees (especially John Worley), and all the adjuncts from the Adjunct Faculty Association (AFA), the Texas Adjunct listserv, TFA, and the [American Federation of Teachers \(ACC/AFT\)](#).