

Unemployment Opportunities for Contingent Faculty Workers HB 2561 (Mah-D)

HB 2561 provides that a conditional letter of appointment does not constitute prima facie evidence of a “reasonable assurance of employment.” Reasonable assurance must be determined on a case-by-case basis by the total weight of the evidence rather than the existence of any one factor. The burden of proof lies with the employer.

Background: For contingent faculty, the primary relevant factor for determining eligibility for unemployment compensation is whether the faculty member has “a reasonable assurance of employment” in the subsequent semester. If the faculty member has such an assurance, they are generally not eligible for unemployment benefits; however, if they do not have such an assurance they may be eligible for unemployment compensation starting at the end of their last period of employment.

Rationale for Support: In the United States, adjunct faculty members are providing approximately 40% of the instruction in institutions of higher education. While some teach on an academic year basis, the majority of these adjuncts are employed on a semester/course basis. Their salaries range from a low of about \$400 per course to as high as \$4000 in some of the more prestigious institutions.

Administrators in higher education have typically asserted that employing more and more adjuncts is necessary for flexibility in scheduling and programming, but they also know that, like “just in time” inventory strategies, replacing tenure-track faculty with adjuncts is a tremendous bargain. Adjuncts are carrying the load for almost half of the instructional requirements, yet they are remunerated at a level that, on average, barely compensates for their living expenses.