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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2738 Session of  
2018

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INTRODUCED BY RABB, McCLINTON, DONATUCCI, YOUNGBLOOD, SCHWEYER,  
DALEY, ROEBUCK AND ROZZI, OCTOBER 17, 2018

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, OCTOBER 17, 2018

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AN ACT

1 Providing for fair treatment and equal pay for part-time and  
2 other nontenure-track faculty at institutions of higher  
3 education in this Commonwealth.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Higher  
8 Education Faculty Fair Treatment Act.

9 Section 2. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) This Commonwealth is home to many institutions of  
12 higher education that hold high ideals and which play a vital  
13 role in serving the educational needs of its citizens and, in  
14 so doing, help to strengthen this Commonwealth's economy.

15 (2) Institutions of higher education are increasingly  
16 relying on part-time and other nontenure-track faculty to  
17 teach courses as a cost-cutting measure, rather than having  
18 full-time tenured and tenure-track faculty teach many

1 courses.

2 (3) Part-time and other nontenure-track faculty deserve  
3 to receive pay that is fully comparable to full-time tenure  
4 and tenure-track faculty of comparable qualifications doing  
5 comparable work.

6 (4) Institutions of higher education that receive  
7 taxpayer funding from this Commonwealth have a responsibility  
8 to ensure fair treatment and equality in their pay structure  
9 when compensating faculty members who are of comparable  
10 qualifications doing comparable work.

11 Section 3. Purposes.

12 The purposes of this act are as follows:

13 (1) Require each institution of higher education in this  
14 Commonwealth that receives taxpayer funding to provide pay to  
15 the part-time and other nontenure-track faculty that is  
16 equal, on a pro rata basis, to the pay of the full-time  
17 tenure and tenure-track faculty.

18 (2) Ensure that each institution of higher education in  
19 this Commonwealth that receives taxpayer funding treat fairly  
20 and appropriately the part-time and other nontenure-track  
21 faculty in matters of employment opportunity by providing  
22 that faculty with timely notice and priority consideration  
23 for part-time and nontenure-track teaching assignments.

24 (3) Ensure that each institution of higher education in  
25 this Commonwealth that receives taxpayer funding fairly and  
26 appropriately provide that qualified nontenure-track faculty  
27 members receive full and fair consideration in attaining a  
28 tenure-track position when a position becomes available.

29 Section 4. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Institution of higher education." Any of the following:

4 (1) An institution of the State System of Higher  
5 Education under Article XX-A of the act of March 10, 1949  
6 (P.L.30, No.14), known as the Public School Code of 1949.

7 (2) The Pennsylvania State University, the University of  
8 Pittsburgh, Temple University, Lincoln University and their  
9 branch campuses if the institutions of higher education  
10 annually receive taxpayer funding from the Commonwealth.

11 (3) A community college created under Article XX-A of  
12 the Public School Code of 1949.

13 (4) An accredited institution that offers postsecondary  
14 education providing an associate degree program or an  
15 undergraduate degree program that annually receives taxpayer  
16 funding from the Commonwealth.

17 "Part-time faculty." Individuals employed to teach at  
18 institutions of higher education on a part-time basis, including  
19 part-time faculty members or adjunct instructors.

20 Section 5. Equal pay.

21 Notwithstanding any other provision of law to the contrary,  
22 all part-time faculty shall receive pay that is equal, on a pro  
23 rata basis, with that of full-time tenure or tenure-track  
24 faculty of comparable qualifications doing comparable work.

25 Section 6. Notice and consideration.

26 (a) Teaching assignments.--Notwithstanding any other  
27 provision of law to the contrary, each institution of higher  
28 education shall establish a process under which part-time  
29 faculty and other nontenure-track faculty, after successful  
30 completion of a probationary period, receive timely notice and

1 priority consideration, consistent with other institutional and  
2 state policies, for part-time and nontenure-track teaching  
3 assignments.

4 (b) Tenure-track positions.--Notwithstanding any other  
5 provision of law to the contrary, each institution of higher  
6 education shall create a process for ensuring that qualified  
7 nontenure-track faculty members receive full and fair  
8 consideration in attaining a tenure-track position when one  
9 becomes available, consistent with department needs,  
10 institutional and state affirmative action and other personnel  
11 policies. This process shall ensure that nontenure-track  
12 faculty:

13 (1) Accumulate seniority.

14 (2) Are notified of job openings prior to the job being  
15 posted outside of the institution.

16 (3) Are interviewed during the search and screen  
17 process.

18 Section 7. Existing policies.

19 Nothing in this act shall be construed to either limit or  
20 reduce salaries, benefits or hiring rights in existence at a  
21 public institution of higher education.

22 Section 8. Construction.

23 Nothing in this act shall be construed to supersede or  
24 preempt the rights, remedies and procedures afforded to school  
25 employees or labor organizations under the following:

26 (1) the act of July 23, 1970 (P.L.563, No.195), known as  
27 the Public Employe Relations Act, or any other Federal or  
28 State law; or

29 (2) any provision of a collective bargaining agreement  
30 negotiated between an institution of higher education and an

1 exclusive representative of employees in accordance with the  
2 Public Employe Relations Act.  
3 Section 9. Effective date.  
4 This act shall take effect in 90 days.