

Why **SUPPORT** S4123/A0613A?

It's a matter of justice.

- ➔ **Adjunct faculty** are not paid between semesters.
- ➔ **CUNY sends** letters of reappointment to adjuncts, but makes clear their courses are contingent on sufficient enrollment, funding, and the continuation of the program.
- ➔ **CUNY often** cancels classes at the last minute, leaving adjuncts with less, or no, income.
- ➔ **But CUNY** uses those letters to argue that adjuncts are ineligible for unemployment benefits under the law, because they have "reasonable assurance" of work in the coming semester.
- ➔ **Many adjuncts** are unfairly denied unemployment benefits.
- ➔ **S4123/A0613A** would clarify the law by saying conditional letters of intent to hire establish the contingent nature of adjunct employment. (CUNY would have to overcome this presumption to prove "reasonable assurance" of employment.)
- ➔ **There is another solution:** CUNY could bargain real job security for its part-time work force. Until then, it's only fair that adjuncts have access to the same unemployment benefits other episodic workers do.

SUPPORT
S4123/A0613A

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Adjunct faculty deserve the same access to unemployment benefits that other episodic workers have—workers in entertainment, construction trades, and at seasonal resorts.

California and Washington State have made similar changes to guarantee adjunct faculty their benefits.

It's time for New York to do the same.

SUPPORT

S4123(Onorato)/ A0613A(John)

*Adjunct Unemployment
Insurance Reform—it's a
matter of justice.*



Professional Staff Congress/CUNY



COLLEGE ADJUNCT FACULTY are contingent employees, but are routinely denied Unemployment Insurance benefits if their employer provides a letter expressing the intent to rehire them in the following term.

S 4123/A 0613A clarifies the meaning of "reasonable assurance" applied to adjunct college faculty, researchers and instructional administrative staff. It says that conditional letters of "intent to hire" establish the contingent nature of adjunct employment and it, puts the burden on college employers to prove otherwise. It requires a case-by-case review of all the evidence before an individual is denied benefits.

EXPLANATION

When the Social Security Act was revised in 1970 to cover public sector employees under Unemployment Insurance, educational employees were barred from receiving benefits in the summer if they had "reasonable assurance" of being reemployed in September. The concern was that school employees, who are paid a 12-month salary over 10 months, might "double dip" and receive unemployment benefits during the summer when they did not receive a regular paycheck.

Part-time college faculty, however, are employed on a per-semester, per-course basis. A relatively small proportion of adjuncts depend solely on part-time teaching. These employees earn no wages between semesters and their work lives resemble those of employees in seasonal resort, construction or theater industries who are entitled to unemployment benefits between jobs.

"Adjuncts frequently end up empty-handed when they don't get the courses they've been promised. They need to be able to depend on New York's unemployment system to help them through the 'down times.'"

– Marcia Newfield, CUNY adjunct lecturer and PSC Vice President for Part-Time Personnel

Currently New York State law does not properly clarify the meaning of "reasonable assurance" as it applies to part-time college faculty, which creates a Catch-22 for these employees. They have no guarantee of employment, but are routinely denied benefits if they receive a letter from their college employer expressing **the intent** to rehire them. In fact many adjuncts find their classes are cancelled at the last minute in late August—by which time they have lost weeks or months of benefits that cannot be granted retroactively.

California and Washington State have solved this dilemma by clarifying what constitutes "reasonable assurance" so that those adjuncts who are truly contingent can receive unemployment benefits when they are out of work. S4123/A0613A is modeled closely on these laws and will reverse a long-standing injustice.

"The New York Legislature should follow California's lead and enact these bills quickly. Part-time faculty need a safety net just as other seasonal employees do."

–Diane Menna, CUNY adjunct lecturer and PSC Part-time Personnel Officer