

Recently the Maricopa County Community College District (MCCCD) notified Adjunct Faculty that “the use of a waiver prior to employment constitutes a gift of public funds and is not allowable ... when a person is not yet an employee.”

This determination highlights that “When is an Adjunct Faculty an Employee?” has become a key question with broad implications for how 21<sup>st</sup> Century Maricopa utilizes its human resources in serving its students and has potentially dramatic effects on current business practices.

Condition 3 of the current Conditions of Employment for Adjunct Faculty asserts the boundaries of Adjunct Faculty employment:

*“THAT employment with the District begins with the first day of classes and ends when classes and exams are completed and the final grade roster is returned.”*

With no further differentiation between an Adjunct Faculty and other part-time or temporary employee, this implies:

- An Adjunct Faculty is not authorized to act as an employee before the first day of their class nor after their responsibilities related to each instructional assignment are complete.
- An Adjunct Faculty has no obligations as an employee before the first day of class nor after the responsibilities related to each instructional assignment are complete.
- Furthermore, MCCCD is obligated to take appropriate steps to not allow Adjunct Faculty to act as employees if they are not employees.
- Furthermore, MCCCD is obligated not to request from or attribute obligations to potential Adjunct Faculty before the first day of class nor after the responsibilities related to each instructional assignment are complete.

Current MCCCD practices are contrary to these implications.

If MCCCD practices were compliant with the stated Condition of Employment then potential Adjunct Faculty should have no more privileges than the public-at-large to access information or utilize resources, as neither are employees.

This would mean that access to the Student Information System (SIS), Blackboard, email and any other internal information system must be blocked until the first day of the instructor’s class and following the completion of instructional assignment responsibilities.

This would also mean turning in badges, keys, access cards at the completion of instructional assignment responsibilities and picking these employment related devices up on the first day of class.

This would also mean ensuring the denial to Adjunct Faculty of utilization to all manner of resources that are reserved for employees until the first day of class and after the completion of instructional assignment responsibilities.

However, according to current MCCCD practice, once an Adjunct Faculty has been identified as a potential instructor and has an identity established within MCCCD an Adjunct Faculty’s obligations begin to accumulate as an employee of MCCCD as appropriate for the professional that they are. Adjunct Faculty are:

- Responsible for communicating within the MCCCD system through email, phone and interdepartmental mail as well as accessing HRMS.
- Responsible for becoming familiar with department, College and MCCCD policies and actively acknowledging that understanding.
- Often encouraged to attend meetings at both the division and college level and/or being familiar with their content.
- Obligated to sign acknowledgement letters as well as review materials for their potential instructional assignments.

- Responsible for accessing SIS and other student records and understand and acknowledge all of the related legal obligations.

Moreover, according to current MCCC CD practice specific to a given instructional assignment, an Adjunct Faculty is required by formal and informal policies as well as obligated by basic professionalism and commitment to serving students to prepare a syllabus, prepare materials for at least two weeks of classes and plan for the entire course, set up labs, classrooms, and content management systems all before the first day of class.

Additionally, Adjunct Faculty are responsible for approving enrollment overrides for individual students and answering student's preparatory questions.

Adjunct Faculty are responsible for all these things and more to ensure student engagement and success even if the class is cancelled before the second week and even if Residential Faculty is designated to teach the class due to load priority.

**An Adjunct Faculty carries all this responsibility without being an employee and completes all this labor without any compensation under current MCCC CD practices.**

This situation raises significant concerns regarding Adjunct Faculty personal liability as well as MCCC CD liability and compliance questions regarding Federal and State privacy and labor laws.

One solution to this situation, could involve a strict enforcement of the Adjunct Faculty Conditions of Employment as suggested above and the continued application of the answer to the question "When is an Adjunct Faculty an Employee?" as an answer to the question "When is an Adjunct Faculty eligible for compensation and benefits for preparation, training and teaching?" as was done in the case of the Tuition Waiver.

While a common answer to the employee and compensation questions may be appropriate for hourly, part-time positions it seems that for professional faculty positions in which a preponderance of the work is carried on outside the classroom in preparation and grading the questions have separate and distinctly different answers. In fact, Adjunct Faculty perform essential teaching, learning, and student support functions as do Residential Faculty, the key difference being that Adjunct Faculty work part-time.

**The objectives of 21<sup>st</sup> Century Maricopa would best be served by treating Adjunct Faculty as faculty who happen to be part-time employees rather than part-time employees who happen to teach.**

As certain MCCC CD practices already suggest, there is a practical need for Adjunct Faculty to have an on-going relationship with MCCC CD and to fulfill obligations that extend beyond specific instructional assignments. Adjunct Faculty also have obligations tied to each instructional assignment or training activity for which compensation should be appropriately provided. There are excellent models for these types of employment relationships and relatively straightforward policies to implement them.

Within the framework of 21<sup>st</sup> Century Maricopa, Adjunct Faculty can serve as an excellent resource for MCCC CD to contribute creative ideas and active participation in constructive discussions to address these issues and pursue effective solutions for efficient and proper utilization of resources in order to provide the optimal learning and teaching framework for MCCC CD students.