

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1241 Session of
2008

INTRODUCED BY HUGHES, WASHINGTON, KITCHEN AND FONTANA,
JANUARY 14, 2008

REFERRED TO EDUCATION, JANUARY 14, 2008

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for Faculty and College
6 Excellence; establishing the Higher Education Faculty
7 Restoration and Equity Fund; and making an appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding an
12 article to read:

13 ARTICLE XIX-G

14 FACULTY AND COLLEGE EXCELLENCE

15 Section 1901-G. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Fund." The Higher Education Faculty Restoration and Equity
20 Fund established in section 1908-G.

1 "Public institution of higher education." A community
2 college or an institution which is part of the State System of
3 Higher Education pursuant to Article XX-A. This term shall
4 include The Pennsylvania State University, the University of
5 Pittsburgh, Temple University, Lincoln University and their
6 branch campuses.

7 Section 1902-G. Purpose.

8 The General Assembly sets the following goals and objectives
9 as the purpose of this article:

10 (1) All part-time/adjunct and other nontenure-track
11 faculty members shall receive pay that is equal, on a pro
12 rata basis, with that of tenured or tenure-track faculty of
13 comparable qualifications doing comparable work.

14 (2) All part-time/adjunct and other nontenure-track
15 faculty members shall be eligible to participate in the
16 employee retirement plan and all part-time/adjunct faculty
17 members teaching at least 50% of the established workload for
18 full-time tenured faculty shall be eligible for the same
19 health care benefits as full-time tenured faculty.

20 (3) At least 75% of the undergraduate courses offered
21 within each department on each campus of each public
22 institution of higher education, if the department has at
23 least eight full-time equivalent faculty positions, shall be
24 taught by full-time tenured or tenure-track faculty.

25 Section 1903-G. General rule.

26 Each academic department at a public institution of higher
27 education that has at least eight full-time equivalent faculty
28 positions shall have at least 75% of the undergraduate courses
29 offered within the department taught by full-time tenured and
30 tenure-track faculty.

1 Section 1904-G. Determination.

2 Within the requirements of section 1903-G, each public
3 institution of higher education shall determine the number of
4 undergraduate courses taught by part-time, nontenured, tenure-
5 track and tenured faculty in each academic department.

6 Section 1905-G. Plan to increase.

7 (a) General rule.--Each academic department of a public
8 institution of higher education that does not meet the
9 requirements of section 1903-G shall, beginning in September
10 2008, and in each succeeding academic year, increase the share
11 of courses taught by full-time tenured and tenure-track faculty
12 by 10% or more over the previous academic year so that by 2013
13 the requirements of section 1903-G are met.

14 (b) Plan.--Each public institution of higher education shall
15 create a plan to meet the requirements of section 1903-G. The
16 plan shall be subject to collective bargaining with the
17 exclusive representatives of the full-time and part-time faculty
18 at the public institution of higher education. Staffing levels
19 shall be a mandatory subject of bargaining for all faculty
20 unions at public institutions of higher education.

21 (c) Fund distribution.--The system shall distribute moneys
22 in the Higher Education Faculty Restoration and Equity Fund to
23 State institutions of higher education such that by 2013 average
24 faculty salaries will be equal to or greater than the median
25 salary of their peer groups as established by the system.

26 Section 1906-G. Part-time and adjunct faculty.

27 (a) Salary.--Each public institution of higher education
28 shall determine a salary standard for part-time or adjunct
29 faculty employed in each academic department that is equal, on a
30 pro rata basis, with that of tenured and tenure-track faculty of

comparable qualifications doing comparable work. This determination is subject to collective bargaining with the exclusive representatives of part-time and other nontenure-track faculty.

(b) Health-care benefits.--If, over the course of a 12-month calendar year, a part-time or other nontenure-track faculty member at a public institution of higher education carries at least 50% of the established teaching load of tenure-track faculty, that part-time faculty member shall be eligible for the same health-care benefits as tenure-track faculty members.

(c) Retirement plan.--If, during a 12-month calendar year, a part-time or other nontenure-track faculty member teaches at multiple State institutions of higher education and in aggregate teaches 50% or more of an established teaching load, that faculty member shall receive credit toward the retirement plan available to tenured and tenure-track faculty.

(d) Priority consideration.--

(1) Each public institution of higher education shall establish a process through which part-time and other nontenure-track faculty, after successful completion of a probationary period, receive advance notice of and priority consideration for:

(i) Part-time and nontenure-track teaching assignments consistent with other institutional and State policies.

(ii) Tenure-track faculty positions consistent with other institutional and State policies.

(2) Each public institution of higher education shall ensure that nontenure-track faculty:

(i) Accumulate seniority.

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

3 (iii) Have preferential consideration for
4 appointments.

5 (3) The provisions of this subsection are subject to
6 collective bargaining between the public institution of
7 higher education and the exclusive representatives of part-
8 time and nontenure-track faculty.

9 (e) Student fees.--A public institution of higher education
10 shall waive the student fees of teachers and employees who are
11 attending the institution for the purpose of receiving a
12 graduate degree if the teacher or employee is receiving a
13 tuition remission.

14 Section 1907-G. Salary increase.

15 (a) General rule.--Notwithstanding section 1906-G, if a
16 public institution of higher education is not meeting the
17 requirements of section 1906-G(a), beginning in the fall
18 semester of 2008, the public institution of higher education
19 shall increase part-time and nontenure-track faculty salaries by
20 a sufficient amount to meet the requirements of section 1906-G
21 prior to the beginning of the fall semester of 2013. Each
22 academic year, the gap between part-time salary and comparable
23 pro rata full-time salary in any academic department shall be
24 diminished by 15% or more of the gap from the previous year.

25 (b) Deadline.--Each public institution of higher education
26 shall meet the requirements of section 1906-G prior to the fall
27 semester of 2013.

28 Section 1908-G. Higher Education Faculty Restoration and Equity
29 Fund.

30 The Higher Education Faculty Restoration and Equity Fund is

1 established as a separate fund in the State Treasury. Interest
2 earned by the Higher Education Faculty Restoration and Equity
3 Fund shall be credited to the fund. Moneys in the fund are
4 continuously appropriated to the Department of Education for
5 distribution for the purpose of meeting the requirements of this
6 article.

7 Section 1909-G. Limitation.

8 Nothing in this article shall be construed to either limit or
9 reduce salaries, benefits or hiring rights in existence at a
10 public institution of higher education on or after the effective
11 date of this article.

12 Section 1910-G. Appropriation.

13 There is hereby appropriated the sum thereof that may be
14 necessary, to the Department of Education, for the fiscal year
15 beginning July 1, 2008, to June 30, 2009, to carry out the
16 provisions of this act.

17 Section 2. This act shall take effect in 60 days.