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Is Washington State an Unlikely Leader? Progress on Addressing Contingent Work Issues in Academia

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Abstract

Higher education workers in Washington State are challenging the use of contingent academic labor. This article examines data and policies relevant to the state's reliance upon part-time faculty in community colleges. Data from the State Board for Community and Technical Colleges is juxtaposed with results from a survey completed by 20% of the part-time faculty in 14 community colleges to show that most do not work part-time by choice. The quantitative analysis underlies a subsequent examination of legislative and court solutions pursued in Washington State. Despite significant spending constraints, the state shows signs of being in the national vanguard as it addresses contingent academic labor issues.

College and university educators in Washington State are stepping up their resistance to belt-tightening measures that increase reliance upon contingent academic labor. While results thus far are mixed, several signs suggest that the state is on the cutting edge the issue. Positive omens include the passage of a state initiative that provides cost of living adjustments for kindergarten through community college teachers, a 20 million dollar state down-payment that reduces the part-time community college teacher wage gap, a court challenge against the exclusion of part-time instructors from benefits, and, a state plan to increase the number of full-time faculty lines at community colleges. These initiatives constitute a ray of light on the otherwise darkened landscape of higher education.

This article will first highlight the state context in which faculty concerns have risen. Having laid that groundwork, I report on the parameters within which contingent academic work now occurs within the state's community colleges. Next the discussion turns to how part-timers have mobilized and the effect they have had on policy. The article concludes by examining some of the challenges in the immediate future.

A Financial Outlook on Higher Education in Washington State

Washington's higher education faculty has become more assertive as the severity of restraints on state funding for education has increased. Washington's perennial fiscal crises have been compounded by unorthodox fiscal constraints. The state is one of eight that have no income tax. Additionally, under Initiative 601, passed in 1994, expenditures were capped to grow no faster than population and inflation combined. Because the educational constituency has grown faster than these limits, officials find themselves trying to fund higher education on the cheap.

That the community college system forms the bedrock of the state's higher education infrastructure is symptomatic of these financial difficulties. During 1999-2000 there were approximately 125,000 state-funded full-time equivalent community college students [FTE]. By contrast, the four-year colleges enrolled only 28,000 state-funded freshmen and sophomores, along with 41,000 additional undergraduates at the upper division level. The difference in lower and upper classman at the four-year schools is partly made up by the annual inflow of approximately 11,000 new transfer students from the community colleges each year. Given state data indicating 27% of community college entrants (87, 500 students by headcount as opposed to FTE) intend to transfer to a four year institution, it is evident that the vast majority of students intending to complete a bachelors degree begin their higher education in Washington State via the two-year college system (SBCTC, 2000A).

The funding formulas for higher education are a likely factor accounting for this pattern. The State Board for Community and Technical College's [SBCTC] 2001-03 biennium budget request makes the case that community colleges receive less than four thousand dollars in state funding per student compared to regional institutions, where per student funding is approximately five and one half thousand. Funding differentials are exacerbated by the state's recent policy shift enabling colleges to retain their own tuition dollars. Thus, in addition to the $1,500 difference in general fund revenue, tuition disparities increase the shortfall in per student spending at the community colleges to a figure between $2,500 and $3,500 (SBCTC 2000B).

Washington State community colleges, like those almost everywhere else, have consistently been under-funded relative to their four-year peers. The lower funding formula was one of the attractions of building out the community college system in the early 1970s. Although five new upper division campuses were inaugurated in 1990 in

order to encourage students to complete their bachelor degrees, coordination has been difficult and upper level enrollment growth much slower than anticipated. The "seamless education" that was the talk of the 90s has clearly not patched the system together. One consequence is that the state is ranked 46th in the nation in the production of four-year degree holders.

As if panaceas like "seamless education" were not bankrupt enough, in 1997 Governor Locke advanced the idea of the "virtual university." Expansion of brick and mortar education was declared financially infeasible and in its place he proposed on-line distance education as a substitute to accommodate increased enrollment. Patterned after the now financially plagued Western Governors University, Locke's proposal quickly generated opposition at the University of Washington as 600 faculty signed petitions rejecting the idea. But financial pressures continue. Within the University of Washington, the cause of contingent academic workers caught hold and teaching assistants organized to demand their own union in the Spring of 2000. In the fall, the Faculty Senate closed ranks behind the TA's and asked the administration to recognize their union. UW President McCormick took the bold step of reversing a long-held administration policy and announced an agreement in which the TA's and the University would jointly approach the legislature to request enabling legislation establishing a framework under which TA bargaining rights will be established and negotiations be conducted. However, when the state legislature failed to pass the legislation the University refused to grant exclusive bargaining rights to the TA s. The teaching assistants went out on strike during the June final exams and vow to jumpstart their campaign again next year.

Statewide faculty demands for higher wages continue to heat up the issue of union bargaining rights at four-year colleges and universities. Despite the absence of state enabling legislation, a faculty union at Eastern Washington has now operated successfully for several years. However, at Central Washington University the issue has also been raised but amiable relations appear distant. Some University of Washington professors continue to press for enabling legislation, but the future of such legislation is now linked to the standoff with the teaching assistants at the institution. Even with all these issues percolating, it is among the part-time faculty at the state's community colleges that the most inequitable situations exist.

Failing to rally forces around an anti-601 initiative, the Washington Educational Association sponsored, and the Washington Federation of Teachers ultimately endorsed, a citizen's referendum which guaranteed teachers from Kindergarten through Community College raises in line with the cost of living. In a statewide election the referendum passed overwhelmingly. Unfortunately, that stopgap measure complicated the task of closing the pay differential between part-timers and full-timers because it reduced the pot of money to be spent raising part-time salaries. In June and July of 2001 the governor extended the legislative season with three special sessions to break the deadlocks surrounding budget issues. Despite the budget wrangling, part-timers have corralled another 7.5 dollars from the legislature to help close their pay gap.

The Part-time Issue in Washington's Community Colleges

Washington State is a leader in community college education. Whether that is something to brag about depends upon what you look at. The state's faculty is among the most creative in developing new models of teaching. With help from the Washington Center for the Improvement of Undergraduate Education, the state's community college

system has successfully championed learning communities in which questions are investigated using teams of faculty from different disciplines. In another show of quality, President Clinton touted one of Shoreline Community College's job training programs as a national model. In these and other areas the state's community colleges demonstrate drive and originality. Lurking beyond these positive images are the problems created by inequities in faculty employment.

A May 2000 report from the National Center for Educational Statistics makes clear that the pattern of part-time employment in Washington is not unique. According to their national survey, sixty two percent of the 255,000 instructional faculty and staff working in the nation's two-year schools were employed part-time. Because part-timers averaged less than half the course load taught by full time teachers (2.1 courses per semester vs. 4.5), part-time faculty instructed roughly 43 per cent of the systems students (NCES, May 2000, pp. 39 and 78). Washington SBCTC data places the state almost dead even with this national average. While the use of part-timers in Washington accelerated in the early 1990s, that increase has practically halted (Best Practices Task Force, 1996). (Note 1) Since 1995 the percentage of part-timers has risen less than 1%. It appears likely that lobbying by part-timers was a factor in changing the trajectory of part-time employment.

The magnitude of part-time faculty participation in the instruction of community college undergraduates forced the 1996 Best Practices Task Force to admit that the adjunct system had been abused. Hiring exceeded the level which could be justified educationally: "[B]udget reductions, increased enrollment that is not fully funded, and similar requirements to 'do more with less' all create a powerful incentive for colleges to employ adjunct faculty for purely economic reasons--to deliver needed services within available budgets" (Best Practices, 1996, p 4).

The incidence of part-time faculty is uneven across the community college system. Some colleges find ways to hire more full time faculty, just as some programs within colleges are less deeply affected. Overall, rural colleges are less dependent on adjuncts, largely because they find it difficult to recruit them. Likewise, technical colleges, where job training predominates, are staffed almost entirely by full-time instructors.

The use of part-timers is most disproportionate within the Basic Skills area, particularly in English as a Second Language [ESL] courses. Part-time instructors taught slightly over 69% of the FTE course-load in Basic Skills courses throughout the state system. Humanities, where part-time instructors taught 48% of the courses, occupied second place. In only three of eight broad classifications were fewer than 40% of courses taught by part-timers: These divisions include Mechanics and Engineering 25%; Social Sciences 36%; and Science 37%.

Table 1 demonstrates that the proportion of classes taught by full-timers rises substantially when we remove the roughly 15% of classes taught during the evening, off the main campus, and those relying on non-state funds. One may justify this exclusion under the assumption that these are the arenas in which the "flexibility" of a part-time faculty is necessary. This exercise reduces the incidence of part-time instruction from 43% to 30% of FTE class instruction. However, breaking down totals by division continues to reveal the same patterns of part-time employment: The three divisions in most dependent upon part-time employment are, in descending order: Basic Skills (50%), Humanities (39%), and Math (33%).

Table 1

Use of Part-timers in Washington State, Fall 1999

(For All Courses On-campus, Day, State Funds)

Academic Area	PT FTE Courses Taught	Total FTE Courses Taught	PT FTE Courses Taught	Total FTE Courses Taught
Basic Skills	391.03	563.51	81.78	161.95
	69.39%		50.50%	
Business, Data	357.88	871.51	136.48	535.04
Processing	41.06%		25.51%	
Humanities	596.02	1232.88	351.41	898.97
	48.34%		39.09%	
Math	217.22	493.76	120.99	360.39
	43.99%		33.57%	
Mechanical	152.94	603.3	58.83	424.78
Engineering	25.35%		13.85%	
Public Service	477.25	1110.22	207.4	689.82
	42.99%		30.07%	
Science	145.9	394.04	66.23	279.12
	37.03%		23.73%	
Social Science	157.13	434.13	75.96	300.27
	36.19%		25.30%	
Totals	2495.37	5703.35	1099.08	3650.34
	43.75%		30.11%	

Source: Compiled from Washington State Board for Community and Technical Colleges Data.

To learn more about part-timers preferences and work history, the Washington Federation of Teachers surveyed faculty at 14 of the institutions at which it is the bargaining representative. Surveys were given to union representatives to distribute to all part-timers on their campuses. Five hundred fifty five separate surveys were returned. While the method of distribution and collection leaves open the probability of sample bias, these surveys provide a legitimate basis to draw conclusions when appropriate qualifications are noted. Statistical results must be regarded as suggestive, not as precise population estimates.

In anticipation of the survey results, it is helpful to examine potential sources of bias. Surveys were distributed through campus mailboxes. However, some part-timers do not have mailboxes, while others do not teach at the central campus of their institution and may not have been reached. Although campus leaders at some colleges made a concerted effort to exhort their part-timers to return the surveys, at other

campuses surveys were returned on a more casual basis.

It is important to determine whether the returned surveys constitute a representative cross section of faculty at the colleges. In Table 3, we can see that some of the 8 major disciplinary categories used by the State Board to define subject area, such as Basic Skills and Humanities, are significantly over-represented. Responses in the Sciences and Social Sciences, however, more closely reflect the distribution of faculty by those areas. Given the varied response rates, it is probable that the survey as a whole is biased toward faculty more aggrieved by part-time issues. Thus, results are best interpreted as indicating the direction of change of employment concerns as specific variables change.

Table 2
Number and Percentage of Returns from Washington State Community Colleges

College*	Prime[1] Affiliation	%	Headcount[2]	Total[3]	%
Centralia	14	11%	128	21	16%
Edmonds	81	28%	294	106	36%
Everett	32	16%	196	39	20%
Peninsula	25	17%	149	26	17%
Pierce County	28	8%	343	34	10%
Seattle Central	44	13%	328	57	17%
Seattle North	31	10%	303	48	16%
Seattle South	23	9%	267	34	13%
Shoreline	65	22%	294	93	32%
Skagit Valley	37	19%	195	48	25%
South Puget	38	24%	160	47	29%
Tacoma College	35	13%	269	49	18%
Whatcom	45	29%	157	47	30%
Yakima Valley	25	14%	182	26	14%
Overall	523	16%	3265	675	21%

[1]Faculty assigned to schools according to their stated primary affiliation

[2]Percentages are calculated using state data for Fall 1999 as shown. These data are for all Part-time faculty, including those on contract funding, teaching at night or on other campuses.

[3]Calculated using all data from faculty who taught at school, regardless whether they identified this is primary affiliation. It is appropriate to group responses by college when looking for college wide information but because some faculty taught at more than one campus, both the state's total of 3265 faculty and the survey total of 675 involve double counts.

*Only colleges with total response rate in excess of 10% included.

The survey was designed to provide information on two primary concerns. First the survey intended to gage whether part-time faculty prefer greater levels of employment. Second, the survey was designed to permit an investigation into categories that might help us understand those preferences.

Table 3
Distribution of Faculty by Academic Field of Employment

Employment Field	Number Faculty	% of Survey	% of State FTE	Difference
Basic Skills	115	21.7%	9.9%	11.9%
Business, Data etc	52	9.8%	15.3%	-5.5%
Humanities	159	30.1%	21.6%	8.4%
Mathematics	52	9.8%	8.7%	1.2%
Mechanics/Eng'rg	8	1.5%	10.6%	-9.1%
Public Service	76	14.4%	19.5%	-5.1%
Science	35	6.6%	6.9%	-0.3%
Social Science	27	5.1%	7.6%	-2.5%

Clearly, not all part-timers desire full-time employment. However, the WFT survey indicates that 50% did, while an additional 18% said they wanted more work than they have presently secured through their community college jobs. The percentage of those reporting dissatisfaction is thus very large.

Table 4 indicates that the majority of faculty reported they were either the only wage earner in their family, or that that teaching was the primary source of their income. Fully 59% (n=505) of the individuals surveyed reported that part-time teaching was the primary source of their personal income. Additionally, 34% (n=174) reported that their earnings were the only source of income in their household. Within the 27% (n=136) of respondents who reported their community college teaching as both the only source of income in their household and as their primary source of income, nearly 84% said they wanted more work (n=21) or full-time work (n=114). Preferences for full time work were also higher when individuals were the only breadwinners in their household (63% compared to 50% among all survey respondents), and also when earnings from teaching were the primary source of individual income (also 63%). Thus a sizable group indicated that community college income contributed significantly to their livelihood and, among these, the majority indicated a desire for additional employment.

Table 5 indicates that faculty prepared in traditional disciplines within the arts and sciences rely more heavily upon their part-time teaching income, at least as indicated by their relative preference for full-time or increased work. Thus, survey results show that 85% of social science, 76% of humanities, and 74% of science faculty prefer more work than they presently have. By contrast, those serving in non-traditional academic areas, such as Public Service or Business, are somewhat less likely to seek greater teaching employment. Mathematicians, curiously, appear to fall outside the expectations for traditional arts and science faculty.

Table 4
Sources of Household Income

		Not Primary	Primary
NOT ONLY	331	167	163
As % of Total	66%	33%	32%
ONLY	174	38	136
As % of Total	34%	8%	27%
Total	505	205	299
		41%	59%

Source: WFT Survey

Responses were to the following questions: 1) Is this your primary source of income? 2) Is yours the only source of income in your household?

The final point to note is that many of the faculty appear to have adjusted to this system as best they can. Those faculty who want to work full-time reported that they taught an average of 3.33 classes in the Fall quarter of 1999. Within this group, those who identified themselves as depending primarily upon their community college earnings averaged 3.46 classes per quarter. By contrast, those who indicated that they were satisfied with their teaching load reported an average of 2.17 class per quarter. The SBCTC, on the other hand, reports that average workloads are lower, and that only 45% of part-time faculty taught more than one course in fall 1997. While sample bias may account for some of this difference, the SBCTC figures, too, are biased reflections of overall teaching duties because they omit courses that were not state funded or that were outside the community college system altogether (SBCTC, Research Report 98-4).

There is interest in the phenomenon known as the "freeway flyer," in which part-time teachers work at more than one campus to make ends meet. Some 248 of survey respondents reported teaching at two or more institutions. Among these, 90 said they taught at three or more colleges. This finding is at odds with SBCTC data indicating only 27 persons statewide taught at three or more colleges. It also casts doubt on the state's conclusion that only 291 faculty systemwide taught at two campuses. The discrepancy may be explained in two ways. First, the state's analysis was not designed to verify employment at private institutions, nor at four-year schools. Second, in addition to listing schools at which they were currently teaching, individuals in the WFT survey may have responded to the question by citing institutions at which they had recently taught. The state board, by contrast, using in-house date data could restrict its analysis to a single quarter. Thus the State Board concludes that freeway flyers constitute 13% of the part-time faculty, whereas the WFT survey suggests that employment at multiple campuses is more common, especially when considered over longer employment periods. The WFT survey means the part-time faculty travels more, teaches more, and spends more time job searching then is generally appreciated. The educational consequences of these patterns have not been adequately studied.

Table 5
Preference for More Employment Teaching by Field

Employment Field	Want Full Time	Want More Work	Content	% Want More
Basic Skills	54 (46%)	23 (20%)	37 (32%)	67%
Business, Data etc	19 (36%)	14 (27%)	18 (35%)	63%
Humanities	97 (61%)	25 (16%)	33 (21%)	76%

Mathematics	21 (40%)	4 (8%)	26 (50%)	48%
Mechanics/Eng'rg	4 (50%)	1 (13%)	3 (37.5%)	63%
Public Service	25 (33%)	19 (25%)	28 (37%)	58%
Science	20 (57%)	6 (17%)	8 (23%)	74%
Social Science	20 (74%)	3 (11%)	4 (15%)	85%

Source: WFT Survey

The main findings derived from the WFT survey are not controversial. Clearly, Washington State relies very heavily upon part-time faculty, and officials themselves believe that this reliance is greater than is educationally justifiable. In investigating the problem, the State has reached the conclusion that it is important to reduce this reliance. The WFT's data suggests that, if anything, the State still underestimates the extent of the problem. From the vantagepoint of the part-time faculty member there is much to be gained by improving employment security. To the extent that adverse employment and working conditions affect the community colleges, a point which the State has conceded, the education students receive at community colleges will be advanced by converting some part-time faculty positions into full-time position and by improving the compensation package for part-timers.

Organizing Part-timers in Washington

Policy in Washington State has clearly been influenced by a number of campaigns on behalf of part-time community college faculty. One result, noted earlier, is that in opposition to the national trend involving an increased reliance upon part-time faculty, in Washington that trend has been ended. In addition, pay and benefit conditions are being raised, albeit at an inadequate pace. Much of the state's progress traces directly back to two legislative decisions begun in 1995 and 1996. In 1995 the state redefined its unemployment laws to establish the eligibility of part-time faculty for unemployment compensation. Second, and perhaps more important, the legislature inaugurated a Best Practices Task Force regarding part-time instruction.

This task force was the legislature's response to agitation by part-timers that dates back, at least, to the early eighties. It wasn't until 1990s, under Susan Levy's leadership, that the Washington Federation of Teachers, seriously began to champion the part-time cause. This transition became even more pronounced when the WFT employed Wendy Rader-Konofalski, a former part-timer, as the WFT legislative representative in Olympia. Working through the union, Rader-Konofalski succeeded in getting legislative priority for the issue. In significant measure the WFT was spurred on by Keith Hoeller and the Washington Association of Part-Time Faculty [WAPFAC]. This advocacy group worked independently, creating a second fulcrum upon which to pry open state policy. Through direct lobbying and publicity WAPFAC maintained pressure on both the legislature and the WFT, ensuring that the part-time issue did not die in intramural union politics. Together Rader-Konofalski and Hoeller--perhaps unwittingly--created an inside/outside strategy that kept everyone on their toes. Although disagreements have at times surfaced, WFT and WAPFAC's successor, the Washington Part-Time Faculty Association have worked more closely in recent years to good effect.

The two organizations have succeeded in forging alliances with the Worker Center, King County's Labor Council, Seattle Union Now, the University of

Washington's Labor Center, and the Center for a Changing Workplace. Together, these groups create visibility for the permatemp and contingent labor force issue. Over the long haul, it has been the efforts of rank and file part-timers that successfully muscled the state into appointing its Best Practices Task Force. The Task Force established a foundation for continued legislative action by officially recognizing the abuses inherent in the part-time system and acknowledging that these abuses arose as the consequence of financial pressures. While the limited use of part-timers could be justified in low demand disciplines, in fields were scarce expertise is needed, or even when colleges can not flexibly respond to scheduling needs with their existing full-time faculty, the Task Force acknowledged that part-time staffing had gone beyond these rationales.

The Task Force found fault with a the part-time employment system because it provided virtually no incentive for faculty to commit themselves to the classroom, to provide needed service to the campus, department or community, and because the system utilized poor selection, recruitment and development tools. To remedy these problems the Task Force made several recommendations. First, academic departments should develop a written policy on the appropriate use of part-timers to guide their actions. Second they should improve the recruitment process to ensure quality part-time hires while improving and smoothing opportunities for transfer from part to full time positions. Third, the Task Force recommended that administrators should provide written and early employment commitments for part-time faculty. It also encouraged multiple quarter contracts, rather than quarter by quarter renewals. Other best practices involving evaluation, development, communication, support and recognition were also put on the table.

To make earnest its support for the task force recommendations Earl Hale, Executive Director of the SBCTC, announced that the State Board would seek twenty million dollars over the 1997 to 1999 biennium to address faculty issues, including part-time salary and benefit inequities. Ultimately the state authorized a maximum of 7.7 million dollars to address part-time issues. Following this, a number of specific initiatives were taken that, cumulatively, have begun to make a difference for part-timers. Most significantly, in 1996 the WFT drafted and secured legislation to ensure that part-timers that work at least 50% receive the medical benefits to which they were entitled. A clear method of calculating percentages of employment time was established to prevent the state from denying those claims. Summer benefits have remained a point of contention and are one of the subjects in a major court challenge now underway. On a more positive note, the most direct indication that the state takes the problem seriously was the legislature's decision, in 1999, to dedicate twenty million dollars to adjust part-time pay upwards. In doing so, the legislature abandoned language that would have settled for the SBCTC's goal for part-timers--76% of full time pay--and appears to have adopted the WFT's goal of 100% parity. The pay adjustments achieved to this date still leave part-timers far from either goal, but state actions stand in stark contrast to years of previous neglect. In June 2001, despite a very difficult session the legislature voted another 7.5 million dollars for pay equity.

As a percentage FTE instruction, the use of part-timers has not expanded in any appreciable degree since 1995, but neither has it been reduced. After discussions with the union, the SBCTC created plans to change the part-time/full-time faculty mix by adding some 360 full positions statewide in the current biennium. However, that plan appears to have been abandoned in the light of current budget difficulties. Hope for conversions must now rely upon success in achieving pay equity, which will act to minimize the demand for part-timers for purely economic reasons. The cost of providing benefits may begin to tip incentives away from part-time hires even without 100% pay

equity.

Conclusions

Despite real accomplishments, ominous clouds continue to mark the sky. As always, money is extremely tight in the state capitol, Olympia, and the part-time situation has been complicated by new state initiatives, one limiting taxes and another increasing pay for teachers from kindergarten through community college. In this fiscal environment nothing is certain.

On the other hand, pressured by law suits, lobbying, and public relations campaigns, Washington's SBCTC appears poised to resolve the situation, if for no other reason than to avoid costly liability. The prospect of an expensive court suit related to contingent work practices has grown since December 12, 2000, when the Vincainzo Case against Microsoft was settled. To resolve that suit, Microsoft consented to a 97 million-dollar payment to permatemp workers who claimed they were wrongfully denied benefits the company provided to its other employees. At the behest of Keith Hoeller's WPTFA the law firm that represented those plaintiffs, Bendich, Staughbaugh and Strong, is now arguing in a separate case that part-time community college faculty are being denied benefits they rightfully deserve. One irony is that this suit would have no little basis in law if the state had not acquiesced when the WFPTA and the WFT pressed for, and secured, best-practice legislation in the mid-nineties. The subsequent 1996 WFT bill spelled out the method by which part-timer's eligibility to participate in benefit plans was to be determined. The new lawsuit seeks retroactive faculty benefits for up to twenty years, during which time the state allegedly calculated hours erroneously so as to deprive part-timers of their pension and health benefits.

In an interim decision, Judge Steven Scott has determined last year that faculty teaching 50% or more are entitled to summer health benefits if they work at all at during that period. If complied with this interim decision may conflict with another high priority part-time concern: the ability to collect unemployment benefits. In particular, many part-timers desire unemployment compensation during summer and other times when colleges fail to provide them with classes to teach. By securing summer benefits, the claim of temporary employment may be weakened as part-timers begin to look more like full time faculty, for whom a nine-month contract is presumed to be full time yearly employment. Perhaps the ultimate test of the success of the part-time movement in Washington State will come when part-timers are treated well enough that they will be able to choose between the reasonable assurance of multi-quarter contracts with benefits and unemployment compensation during quarters when they don't teach. In April of 2001 the WFT secured a victory that should ease unemployment claims. The bill declares that part-time employment offers contingent upon enrollment, funding, or scheduling does not constitute reasonable assurance of employment.

In the meantime the law firm of Frank and Rosen is pressing yet another case arguing that the state's method of paying part-timers is seriously flawed. Presently, not only does the state not provide reasonable assurance of continued employment, the plaintiffs in this case claim, instead, the state misstates the employment relationship altogether. The plaintiffs argue that community because colleges pay part-timers only for each class-contact hour, the state violates its own minimum wage and overtime laws. Although the case faces a variety of obstacles, it constitutes one more pressure point toward the implementation of the best practices that enumerated in 1996.

The state continues to show modest incremental leadership in slowly tackling the worst of the contingent labor practices in academia. Perhaps the greatest danger on the

horizon is degree to which different elements of the education community are increasingly being pitted against one another for sparse funds. The fact that the legislature provided financial relief for part-time faculty, but refused to pass enabling legislation for the teaching assistants at the University, suggests something of the constrained choices facing the higher education community.

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Note

1. A legislatively appointed Task Force reported that the use of part-timers had increased 6 percentage points, from 42 to 48% of FTE between 1990 and1995. It should be noted that the Task Force Report apparently included full time faculty who moonlight additional courses for extra income. Thus, 5% of these 48% are not part-timers.

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