
**Pay Parity Lawsuit
Talking Points
4.1.22**

**Background:** Some community colleges unlawfully treat part-time adjunct instructors as exempt from minimum wage laws. Part-time faculty do not earn enough money to be exempt from California’s minimum wage requirements. To treat an employee as exempt under the “professional exemption,” an employer must pay a covered professional at least $62,400 per year (which is calculated as twice the current $15 hourly minimum wage rate per month, based on full-time employment). This threshold rate of pay cannot be prorated under the law, even for part-time work. These colleges pay part-time instructors an hourly rate only for each hour actually teaching in the classroom, in front of students. The colleges require these instructors to work many hours performing teaching-related work outside of the classroom and evaluate them accordingly. However, these colleges do not pay the instructors anything for those hours worked. This exploitation is contrary to original legislative intent allowing community colleges to hire some part-time faculty to fill temporary, emergency needs.

**Talking Points:**

* Pay equity for equal work. For too long, Long Beach City College (LBCC) and other community colleges throughout the state have unfairly and unlawfully exploited part-time faculty. This exploitation goes against the original legislative intent allowing community colleges to hire some part-time faculty to fill temporary, emergency needs and not as a cost-saving practice.
* Educators filed a lawsuit against the LBCC (Long Beach Community College District) for its failure to pay them and other adjunct faculty minimum wage as required under California law. The filing is a class-action lawsuit with the potential to benefit hundreds of other LBCC adjunct faculty, and a case likely to trigger much closer examination of pay structure for part-time instructors on other California community college campuses.
* This class-action lawsuit impacts more than 650 current part-time faculty at LBCC, as well as a yet undetermined number of past faculty members. Exploiting workers is illegal and antithetical to the work Californians have been doing to address wage gaps and educator shortages.
* Other California community colleges like LBCC likely also unlawfully pay part-time instructors below the required minimum wage. More specifically, they pay an hourly rate only for the time instructors are actually in the classroom, in front of students. Yet the colleges expect and evaluate the job performance of these instructors based on outside-the-classroom requirements for which they are not compensated like planning lectures, grading, meeting with students, and other necessary instructional activities.
* California’s Community College system is the largest higher education system in the world and yet more than half of classes in the system are taught by part-time instructors being paid far less on an hourly basis than their full-time counter parts. In fact, many part-time instructors are forced to work multiple jobs just to make ends meet.
* The plaintiffs are seeking backpay for the last three years of unpaid work time plus interest, retirement system contributions for the unpaid wages, a court order that LBCC pay part-time faculty for all hours worked, and any additional penalties prescribed by law. Part-time faculty are not exempt from minimum wage laws and should be paid at least the minimum wage (currently $15 per hour) for each of those uncompensated hours.
* There have been many unsuccessful attempts to get LBCC to address this issue in the past through collective bargaining efforts. The union representing the plaintiffs, Certificated Hourly Instructors, (CHI) has tried to address and remedy this issue through negotiations, but the college has refused to change its illegal compensation structure.

**Note:** CTA is currently co-sponsoring legislation that would help prevent these abuses. [AB 1752 (Santiago)](https://legiscan.com/CA/text/AB1752/id/2501749) would establish pay equity among faculty on California’s community college campuses. Equal pay for equal work is a fundamental right for working people. AB 1752 would require instructors teaching community colleges classes part-time to receive compensation at least in an amount that bears the same ratio to the amount provided to full-time instructors based on the time actually served by those part time employees.