

Proposal for Adjunct/Overload Parity in Sick Leave Compensation Upon Retirement

Proposal Summary

The Federation proposes the inclusion of a new contractual provision that provides a cash payout for earned but unused sick leave upon retirement for adjunct and overload faculty, consistent with principles of equity and in recognition of the valuable contributions made and compensation earned by these faculty members over their careers.

Background and Justification

Currently, under California Education Code Section 22717, full-time faculty receive service credit toward CalSTRS retirement for unused sick leave upon retirement from the District. However, adjunct faculty are excluded from this benefit, resulting in a significant inequity between full-time and part-time academic employees.

Adjuncts often work for decades at our institution, accruing sick leave in good faith, yet upon retirement, they receive no benefit from this earned payment. This creates a two-tiered system that is not only inequitable but also discourages long-term institutional commitment from adjunct faculty.

Additionally, most, if not all, adjunct faculty are not CalSTRS Defined Benefit members and are not eligible to receive service credit for unused sick leave due to part-time status. The Cash Balance Program offered to adjuncts by CalSTRS is in the form of a 401 contribution matching benefit and the service credit benefit offered to full-time faculty. For adjuncts the sick leave is simply forfeited—an outcome that is not being imposed on full-time employees.

This proposal seeks to rectify this disparity by granting adjunct and overload faculty a cash payout for their accrued unused sick leave upon retirement from the District, similar to cash-outs offered in other districts and in alignment with California's anti-discrimination principles under Government Code § 12940. The proposal resolves the adjunct complaint that they are denied equal protection as it concerns sick pay compensation upon retirement.

Proposed Language

Article IX - Compensation and Related Benefits

11.0 Sick Leave Cash-Out Upon Retirement for Adjunct and Overload Faculty

Adjunct and overload faculty who retire from the District shall receive a one-time cash payout for all accrued but unused sick leave hours, provided that:

1. The faculty member is eligible to retire under CalSTRS, CalPERS, or Social Security;
 2. The faculty member provides official written verification of retirement from their retirement system;
 3. The faculty member has worked a minimum of 5 calendar years in cumulative service with the District; and
 4. The payout shall be calculated at the hourly rate of pay for the faculty member's most recent assignment.
- This payout shall be provided regardless of whether the faculty member qualifies for service credit for unused sick leave under their retirement system.

Fiscal and Legal Rationale

- **Cost-Contained:** This proposal applies only at retirement and only to hours already accrued. It does not generate new sick leave liabilities, only addresses payout upon separation.
- **Retention-Focused:** Offering this benefit would encourage long-term service and enhance retirement security for adjuncts, improving morale and institutional loyalty.
- **Compliant with Law:** Both Federal and California courts have consistently held that disparate treatment of similarly situated employees without a compelling justification may violate equal protection principles.

Conclusion

Adjunct faculty are entitled to a cash payout for all accrued, unused sick leave upon retirement. Sick leave is not a discretionary benefit; it is earned compensation for services rendered. The District is obligated to compensate retiring adjunct faculty for this earned benefit. This proposal seeks to establish a contractual provision guaranteeing sick leave cash-out at retirement for adjuncts and full-time faculty with overload assignments, thereby eliminating the current inequitable system that denies part-time academics the value of their accrued leave. The principle is unequivocal: no faculty member's earned sick leave shall be forfeited without retirement compensation.