

## **FAQ about USC Implementation of AB 736**

### **(1) What is AB 736?**

Recent CA legislation - AB 736 - amended CA Labor Code to permit private, non-profit colleges and universities in CA to treat part-time instructional faculty as exempt (salaried) employees.

### **(2) What is the USC response to AB 736?**

USC is requiring exempt status for all part-time instructional faculty beginning in Fall 2021. USC sets university-wide minimum salaries for these positions per course and by the number of course units.

The USC response does not apply to adjunct instructional, clinical or research faculty. It also does not apply to part-time clinical faculty, even if they teach one course per year.

### **(3) What is the calculation of "classroom hours"\* for lecture courses?**

The rate of pay (\$126) set in the bill, multiplied by the classroom hours (4 hours or units) and number of weeks, was intended to ensure all instructional work for the class was accounted for in the course rate (\$8,064). The course rate covers time spent in the classroom or laboratory, preparation, grading, office hours, and other course- or laboratory-related work for that course or laboratory.

### **(4) How are course rates determined for non-lecture, instructional courses?**

Minimum compensation for non-lecture, instructional courses is determined by course units. Non-lecture, instructional courses might include studio courses, practicum or fieldwork, or other forms of application courses that don't fit the typical lecture course format.

### **(5) How is AB 736 course pay for part-time exempt faculty entered in Workday?**

Please enter the following information into "Work Assignment" (the steps below are taken from the *Update Part-Time Reappointment QRG*):

- "Work Assignment # Course"
  - a) **For Lecture-Based or Non-Lecture-Based Teaching**, enter "**Course# - Course Pay: \$\_\_\_\_\_**" \*  
\* Use AB 736 course rates
  - b) **For Service:**
    - i. Example, course development – enter "**Course# - Course Development – Assignment Pay: \$\_\_\_\_\_**"\*\*

- ii. Example, committee work – enter “**XYZ Committee member – Assignment Pay: \$ \_\_\_\_\_**”\*\*

\*\* Service rates are not subject to AB 736 course rates

- “Work Assignment # Units” – enter the **number of units** for a Lecture-Based or Non-Lecture-Based instructional course or enter “**0**” for service assignments
- “Work Assignment # Start Date” – enter the Work Assignment Start Date
- “Work Assignment # End Date” – enter the Work Assignment End Date
- “Work Assignment # Course Hours” – **leave blank**

**(6) How are instructional adjunct faculty impacted by USC's implementation of AB736?**

- USC is not requiring instructional adjunct faculty to transition to exempt status under AB736 because they have full-time positions outside the University and typically teach only one class per academic year for USC.
- Instructional adjunct faculty should remain hourly non-exempt employees, UNLESS
  - They are currently classified as exempt under the traditional salary basis test and will continue to be exempt under the traditional salary basis test.
  - or
  - Their current pay meets the minimum required course rate set by AB736, in which case they may be transitioned to exempt status, but this is not required.
- Instructional adjunct faculty are required to complete and sign the attestation form.
- Schools have the option to make adjunct faculty (instructional and other) exempt, but this is not required.

**(7) What is the difference between part-time and adjunct faculty?**

The part-time faculty appointment is reserved for those teaching less than full-time who do not have a primary position (full-time employment) elsewhere. The adjunct faculty appointment is reserved for faculty who have a primary profession (full-time employment) or career elsewhere.

**(8) How many courses can an adjunct instructional faculty member teach?**

Since adjunct faculty are already employed full-time (100% effort) elsewhere, they may only teach one course per academic year. However, the dean may, at the dean's discretion, give approval for the adjunct to teach one course per semester (fall, spring, summer). More than one course per semester requires Provost approval.

**(9) How will the schools determine which faculty should be treated as exempt employees?**

All instructional part-time and adjunct faculty will complete an attestation form which asks faculty to review part-time and adjunct definitions and their own outside work situation. Faculty members will select the appropriate designation (part-time or adjunct) that best represents their work profile, sign and submit the attestation to their school.

**(10) How should the attestation forms be distributed and filed?**

- Schools distribute electronic attestation form (<https://laserfiche.provost.usc.edu/Forms/pt-adj-att>) or pdf form to faculty
- Faculty, or staff on behalf of faculty, submit signed attestation form to Laserfiche by August 1, 2021
- Schools upload excel report template of attestation form completion details (template emailed) - contact Jacob Kroeze ([jkroeze@usc.edu](mailto:jkroeze@usc.edu)) for OneDrive folder – by August 1, 2021
- Schools upload copy of each faculty member's signed attestation form to their worker documents in Workday

**(11) What is the recommended approach for communicating with instructional part-time and adjunct faculty about the completion of the attestation form?**

When possible, it is recommended that schools schedule a meeting with part-time and adjunct faculty, as well as send out a communication detailing the following:

- The definitions of instructional part-time and adjunct faculty.
- The purpose and content of the attestation.
- Instructions to faculty to attest based on their true assessment of their work situation and the definitions provided.
- The policy faculty are the sole source of this information; schools should ensure they do not contribute to the perception of faculty being pressured to attest one way or another.

**(12) If a school needs to change a faculty member's job profile to transition them to exempt status or based on their attestation, what steps should be followed?**

Workday should be updated to reflect any changes in job profile and/or compensation. Please refer to the [attestation training](#) presentation for complete instructions.

**(13) Does AB 736 apply to part-time clinical faculty, adjunct clinical faculty or adjunct research faculty who teach a course? What if they teach two courses? Three courses?**

AB 736 only applies to faculty categorized as instructional faculty. Therefore, part-time clinical, adjunct clinical, and adjunct research faculty are not covered by USC's response to AB 736.

However, if a part-time clinical, adjunct clinical, or adjunct research faculty member teaches more than one course per year, please discuss with faculty affairs as to whether the job profile is correct.

**(14) Do new part-time and adjunct instructional faculty need to complete an attestation form?**

Yes, all new part-time and adjunct instructional faculty must complete an attestation form as part of their onboarding process. Schools will instruct new faculty to complete an electronic attestation form (<https://laserfiche.provost.usc.edu/Forms/pt-adj-att>). Schools should instruct new hires to attest according to the instructions in the attestation form and should avoid encouraging them to attest one way or another. The categories faculty select in the attestation upon being hired is the category that must be used for their job profile.

**(15) Going forward, how do we ensure that new part-time and adjunct instructional faculty hires are in the correct job profile?**

This begins with providing clear job descriptions in job postings, so that applicants are informed of the eligibility criteria for the position. The job description should include the part-time and adjunct definitions in the Faculty Handbook (refer to FAQ #6). Please refer to the attestation training presentation for the recommended language for an adjunct posting Job Description.