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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

JOHN MARTIN, JODI RIVES, LINDA FRASER, SANDRA BLACKMAN, ARNIE SCHOENBERG, BOBBI-LEE SMART, DEANNA AZEVEDO, ELLEN STRAW, STAN PORTER, JAMES KELLER, MERCEDES MCDONALD, SIANE HOLLAND, PETRA LOTT, LAURA TALLEY, LYNDSEY LEFEBVRE, JAMES FORD, SANTINO LABBATE, JOSEPH MCCARTY, ANNA MCKENNON, JESSICA LYN WHITE, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

CALIFORNIA COMMUNITY COLLEGES BOARD OF GOVERNORS, BUTTE-GLENN COMMUNITY COLLEGE DISTRICT, YUBA COMMUNITY COLLEGE DISTRICT, LOS RIOS COMMUNITY COLLEGE DISTRICT, MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT, SAN DIEGO COMMUNITY COLLEGE DISTRICT, CERRITOS COMMUNITY COLLEGE DISTRICT, LOS ANGELES COMMUNITY COLLEGE DISTRICT, SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT, MT. SAN ANTONIO

Case No. 25CV015406

CLASS ACTION

FIRST AMENDED COMPLAINT FOR DAMAGES FOR:

1. **Failure to Pay Minimum Wages - Labor Code §§1194, 1194.2, 1197, 1197.1, and IWC Wage Order No. 4-2001**
2. **Failure to comply with California Education Code §70901(b)(1)(B).**

Unlimited Civil Case

JURY TRIAL DEMANDED

COMMUNITY COLLEGE DISTRICT, YOSEMITE COMMUNITY COLLEGE DISTRICT, PASADENA AREA COMMUNITY COLLEGE DISTRICT, SANTA CLARITA COMMUNITY COLLEGE DISTRICT, and DOES 1 through 50, inclusive,

Defendants.
_____/

1. Plaintiffs JOHN MARTIN, JODI RIVES, LINDA FRASER, SANDRA BLACKMAN, ARNIE SCHOENBERG, BOBBI-LEE SMART, DEANNA AZEVEDO, ELLEN STRAW, STAN PORTER, JAMES KELLER, MERCEDES MCDONALD, SIANE HOLLAND, PETRA LOTT, LAURA TALLEY, LYNDSEY LEFEBVRE, JAMES FORD, SANTINO LABBATE, JOSEPH MCCARTY, ANNA MCKENNON, and JESSICA LYN WHITE, individually and on behalf of all others similarly situated, by and through its counsel, and upon personal knowledge as to facts known to Plaintiffs, and as to all other facts upon information and belief following investigation of counsel, allege as follows against Defendants THE CALIFORNIA COMMUNITY COLLEGES BOARD OF GOVERNORS, BUTTE-GLENN COMMUNITY COLLEGE DISTRICT, YUBA COMMUNITY COLLEGE DISTRICT, LOS RIOS COMMUNITY COLLEGE DISTRICT, MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT, SAN DIEGO COMMUNITY COLLEGE DISTRICT, CERRITOS COMMUNITY COLLEGE DISTRICT, LOS ANGELES COMMUNITY COLLEGE DISTRICT, SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT, MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT, YOSEMITE COMMUNITY COLLEGE DISTRICT, PASADENA AREA COMMUNITY COLLEGE DISTRICT, SANTA

CLARITA COMMUNITY COLLEGE DISTRICT, and DOES 1 through 50 (collectively, "Defendants").

PRELIMINARY STATEMENT

2. On April 6, 2022, *The New York Times* published an article entitled *"Help Wanted: Adjunct Professor, Must Have Doctorate. Salary: $0."* The article highlighted how the University of California, Los Angeles, had advertised for an assistant adjunct professor position that demanded strong academic credentials but offered no pay at all.[1] After an online outcry, UCLA apologized and took down the advertisement "[b]ut," as the article stated, "the unspoken secret had been fleetingly exposed: Free labor is a fact of academic life."[2]

3. However, free labor is not permitted under the law of the State of California. And the problem identified is not just extant at UCLA but also at California community colleges, including the Defendants herein.

4. As set forth in more detail below, each of the Plaintiffs are well-qualified individuals who have been employed as "part-time," "adjunct," "assistant," or "associate" faculty at one or more of the defendant community colleges. They are referred to hereinafter as "part-time professors" or "part-time faculty." While the defendant community colleges have paid them for their classroom teaching time, Plaintiffs have not been paid for all their hours of work outside of class to prepare their lectures or labs, grade papers and exams, prepare syllabi, email with or talk to their students, and assist in essential departmental activities. Each of the defendant community colleges knows that such outside-of-classroom work is essential to their part-time professors' teaching effectiveness and imposes criteria and evaluations as to which this work is integral. Each defendant community college, moreover, has specially benefitted from the uncompensated work of their part-time faculty.

5. California state law does not permit employers to take advantage of employees by not paying them for all hours worked where (as here) employees are not exempt from state

[1] Anemona Hartocollis, "Help Wanted: Adjunct Professor, Must Have Doctorate. Salary: $0.", The New York Times (April 6, 2022), available online at https://www.nytimes.com/2022/04/06/us/ucla-adjunct-professor-salary.html.

[2] *Id.*

minimum wage requirements. Accordingly, Plaintiffs bring this action to recover, on their own behalf, and on behalf of all of those similarly situated, the pay owed to them for their considerable uncompensated work. Plaintiffs also seek declaratory and injunctive relief to ensure that, going forward, part-time professors at these community colleges will not be subjected to such unlawful treatment.

6. More specifically, as set forth herein below, Defendants' actions violate Sections 1194, 1197 and 1199 of the California Labor Code, Wage Order No. 4-2001 of the California Industrial Welfare Commission, and the Unfair Competition Law codified at Business & Professions Code §17200, *et seq.* (the "UCL"). Plaintiffs seek appropriate relief, including attorneys' fees, costs and expenses, on their individual claims as well as for the class set forth in paragraph 43 below pursuant to Labor Code §§218.5, 1194, and 1197.1, and/or Code of Civil Procedure § 1021.5, as well as declaratory relief pursuant to Section 1060 of the California Civil Practice code.

PARTIES

7. Plaintiff JOHN MARTIN is a part-time professor at Butte-Glenn Community College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

8. Plaintiff JODI RIVES is a part-time professor at Yuba Community College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

9. Plaintiff LINDA FRASER is a part-time professor at Sacramento City College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

10. Plaintiff SANDRA BLACKMAN is a part-time professor at Mt. San Jacinto Community College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

11. Plaintiff ARNIE SCHOENBERG is a part-time professor at San Diego City College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently

is, a resident of the State of California.

12. Plaintiff BOBBI-LEE SMART is a part-time professor at Cerritos Community College and Los Angeles City College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California

13. Plaintiff DEANNA AZEVEDO is a part-time professor at San Joaquin Delta College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

14. Plaintiff ELLEN STRAW is part-time professor at Mt. San Antonio College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

15. Plaintiff STAN PORTER is a part-time professor at Modesto Junior College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

16. Plaintiff JAMES KELLER is a part-time professor at Pasadena City College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

17. Plaintiff MERCEDES MCDONALD is a part-time professor at College of the Canyons and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

18. Plaintiff SIANE HOLLAND is a part-time professor at College of the Canyons and Los Angeles Mission College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

19. Plaintiff PETRA LOTT is a part-time professor at Pasadena City College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

20. Plaintiff LAURA TALLEY is a part-time professor at Yuba Community College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

21. Plaintiff LYNDSEY LEFEBVRE is a part-time professor at Cerritos Community College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

22. Plaintiff JAMES FORD is a part-time professor at San Joaquin Delta College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

23. Plaintiff SANTINO LABBATE is a part-time professor at Mt. San Jacinto Community College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and current is, a resident of the State of California.

24. Plaintiff JOSEPH MCCARTY is a part-time professor at Modesto Junior College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

25. Plaintiff ANNA MCKENNON is part-time professor at Mt. San Antonio College and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

26. Plaintiff JESSICA LYN WHITE is a part-time professor at San Diego City College, Miramar College and Mesa college, and is over the age of 18 years. At all times relevant herein, Plaintiff was, and currently is, a resident of the State of California.

27. Plaintiffs presented a claim to each of the respective Community College Districts at which they worked of the claims alleged herein by a mailing to each on December 4, 2024, as amended on January 2, 2025, pursuant to Code of Civil Procedure §910 *et seq*. Inasmuch as the claims asserted herein result from a continuous, continuing and ongoing alleged breach of law by each of the Defendants in failing to pay Plaintiffs and Class Members at least minimum wage for all of their hours worked since December 4, 2021, including since January 2, 2022, the breach is alleged to have occurred on and since December 4, 2021, or, at the latest, on and since January 2, 2022, and, irrespective of what may be the statute of limitations applicable to the claims of each Plaintiff as may be determined by the Court in this proceeding, a breach of the law as alleged herein occurred and/or reoccurred with each paycheck paid by each of the Defendants to each of

the Plaintiffs from those dates until the present[3].

28. Plaintiffs presented a claim to the California Community Colleges Board of Governors of the claims alleged herein by a mailing to each on August 14, 2025, pursuant to Code of Civil Procedure §905 *et seq*. Inasmuch as the claims asserted herein result from a continuous, continuing and ongoing alleged breach of law by the Board of Governors in failing to pay Plaintiffs and Class Members at least minimum wage for all of their hours worked since August 14, 2022, the breach is alleged to have occurred on and since August 14, 2022 and, irrespective of what may be the statute of limitations applicable to the claims of each Plaintiff as may be determined by the Court in this proceeding, a breach of the law as alleged herein occurred and/or reoccurred with each paycheck paid by each of the Defendants to each of the Plaintiffs from those dates until the present

29. Defendant CALIFORNIA COMMUNITY COLLEGES BOARD OF GOVERNORS ("Board of Governors") is a part of the California State government that oversees, sets policy and provides guidance for the California community college districts and colleges throughout the State of California pursuant to legislatively granted authority. Defendant California Community Colleges has its offices in Sacramento, California. Pursuant to Ed Code 70901(b)(1)(B). Defendant Board of Governors directly plays a role in setting minimum standards, as required by law, for the employment of academic and administrative staff in community colleges and in serving as the liaison between community college districts across the State and the Legislature of the State of California. Upon information and belief, Defendant Board of Governors, in its standard-setting, oversight and policy implementing role, was responsible for and/or was aware of and either affirmatively has supported or was acquiescent in the acts and practices detailed herein of each of the community college defendants.

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[3] Plaintiffs recognize that in *Martin et. al. v. California Community Colleges* (Case No.: 34-2022-00328402-CU-OE-GDS, the Court held that the Government Claims Act applies to Labor Code § 1194 claims against Community College District Defendants, including its one-year statutory claim period, calculated from the date of each Plaintiff's claim presentment under Government Code § 911.2. In order to avoid relitigating this issue, Plaintiffs agree to limit the alleged liability period under Labor Code § 1194 to the one-year statutory claim period pursuant to Government Code § 911.2. Plaintiffs retain references to the broader time period in this First Amended Complaint solely to preserve this issue either upon subsequent judicial rulings by a California Court of Appeals or the California Supreme Court in other cases that hold otherwise or in an appeal in this action.

30. Defendant BUTTE-GLENN COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Butte-Glenn Community College District encompasses Butte College. Its principal place of business is located in Butte County, California.

31. Defendant YUBA COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Its principal place of business is located in Yuba County, California.

32. Defendant LOS RIOS COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Los Rios Community College District encompasses four community colleges: American River College, Cosumnes River College, Folsom Lake College, and Sacramento City College. Its principal place of business is located in Sacramento, California.

33. Defendant MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Mt. San Jacinto Community College District encompasses Mt. San Jacinto College. Its principal place of business is located in San Jacinto, California.

34. Defendant SAN DIEGO COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. San Diego Community College District encompasses four colleges: San Diego City College, Mesa College, Miramar College and the San Diego College of Continuing Education. Its principal place of business is located in San Diego, California.

35. Defendant CERRITOS COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Cerritos Community College District encompasses

Cerritos College Its principal place of business is located in Norwalk, California.

36. Defendant LOS ANGELES COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. LACCD encompasses nine colleges: East Los Angeles College, Los Angeles City College, Los Angeles Harbor College, Los Angeles Mission College, Los Angeles Pierce College, Los Angeles Southwest College, L.A. Trade-Tech College, Los Angeles Valley College, West Los Angeles College. Its principal place of business is located in Los Angeles, California.

37. Defendant SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges ("ACCJC"). San Joaquin Delta Community College District encompasses San Joaquin Delta College. Its principal place of business is located in Stockton, California.

38. Defendant MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Mt. San Antonio Community College District encompasses Mt. San Antonio College. Its principal place of business is located in Los Angeles County, California.

39. Defendant YOSEMITE COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Yosemite Community College District encompasses Columbia College and Modesto Junior College. Its principal place of business is located in Modesto, California.

40. Defendant PASADENA AREA COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Pasadena Community College District encompasses Pasadena City College. Its principal place of business is located in Pasadena, California.

41. Defendant SANTA CLARITA COMMUNITY COLLEGE DISTRICT is an entity established pursuant to California Education Code §70900, upon accreditation as a public Community College District by ACCJC. Santa Clarita Community College District encompasses College of the Canyons. Its principal place of business is located in Santa Clarita, California.

42. The Community Colleges described in paragraphs 21-34 are referred to collectively herein as the "Community College Defendants."

DOE DEFENDANTS

43. DOES 1 through 50 are persons or entities whose true names and capacities are presently unknown to Plaintiffs and who therefore are sued by such fictitious names. Plaintiffs are informed, believe and thereon allege that each of the fictitiously named Defendants perpetrated some or all of the wrongful acts alleged herein-below, are responsible in some manner for the matters alleged herein, and are jointly and severally liable to Plaintiffs. Plaintiffs will seek leave of court to amend this Complaint to state the true names and capacities of such fictitiously named Defendants when ascertained.

JURISDICTION AND VENUE

44. This Court has jurisdiction over the claims in this case because all the Plaintiffs and Defendants are residents of the State of California.

45. Venue is proper in the County of Sacramento because Plaintiff LINDA FRASER and Defendants BOARD OF GOVERNORS and LOS RIOS COMMUNITY COLLEGE DISTRICT are residents of the County of Sacramento, and acts and practices relative to the claims at issue occurred in the County of Sacramento.

OPERATIVE FACTS

46. Plaintiff JOHN MARTIN has been a part-time professor of U.S. history and African American history since 1994 at Butte College. During that time, Plaintiff Martin's compensation for teaching his assigned classes has been based on the hours Plaintiff is instructing his class in the classroom, yet Plaintiff Martin has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading. Further, Defendant BUTTE-GLENN COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Martin in part on the

basis of his work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Martin has provided and has only been able to perform on an unpaid basis.

47. Plaintiff JODI RIVES has been a part-time professor of public speaking since 2013 at Yuba College. During that time, Plaintiff's compensation for teaching her assigned classes has been based on the hours Plaintiff is instructing her class in the classroom, yet Plaintiff Rives has had to spend a substantial amount of time preparing for in-classroom teaching, grading students and answering emails outside of classroom hours. Further, Defendant YUBA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Rives in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Rives has provided and has only been able to perform on an unpaid basis.

48. Plaintiff LINDA FRASER has been a part-time professor of English since 1993 at Sacramento City College. During that time, Plaintiff Fraser's compensation for teaching her assigned classes has been based on the hours Plaintiff is instructing her class in the classroom, yet Plaintiff Fraser has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant LOS RIOS COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Fraser in part on the basis of her work outside the classroom, including preparation, grading, and professional development work, a considerable number of hours of which Plaintiff Fraser has provided and has only been able to perform on an unpaid basis.

49. Plaintiff SANDRA BLACKMAN has been a part-time professor of history since 2007 at Mt. San Jacinto Community college. During that time, Plaintiff Blackman's compensation for teaching her assigned classes is based on the hours Plaintiff Blackman is instructing her class in the classroom, yet Plaintiff Blackman has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Blackman, in part on the basis of her work outside the classroom,

including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Blackman has provided and has only been able to perform on an unpaid basis.

50. Plaintiff ARNIE SCHOENBERG has been a part-time professor of anthropology since 1999 at San Diego Community College. During that time, Plaintiff Schoenberg's compensation for teaching his assigned classes has been based on the hours Plaintiff Schoenberg is instructing his class in the classroom, yet Plaintiff Schoenberg has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant SAN DIEGO COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Schoenberg, in part on the basis of his work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Schoenberg has provided and has only been able to perform on an unpaid basis.

51. Plaintiff BOBBI-LEE SMART has been a part-time professor of sociology at Cerritos Community College since 2015, and at Los Angeles Southwest College in the Los Angeles Community College District since 2019. During that time, Plaintiff Smart's compensation for teaching her assigned classes has been based on the hours Plaintiff Smart is instructing her class in the classroom, yet Plaintiff Smart has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students, answering their emails, and engaging in professional development efforts. Further, Defendants CERRITOS COMMUNITY COLLEGE DISTRICT and LOS ANGELES COMMUNITY COLLEGE DISTRICT have evaluated Plaintiff Smart in part on the basis of her work outside the classroom, including preparation, grading, and professional development efforts, a considerable number of hours of which Plaintiff Smart has provided and has only been able to perform on an unpaid basis.

52. Plaintiff DEANNA AZEVEDO has been a part-time professor of Art History since 2015 at San Joaquin Delta College. During that time, Plaintiff Azevedo's compensation for teaching his assigned classes has been based on the hours Plaintiff is instructing her class in the classroom, yet Plaintiff Azevedo has had to spend a substantial amount of time preparing for in-

classroom teaching as well as grading. Further, Defendant SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Azevedo in part on the basis of his work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Azevedo has provided and has only been able to perform on an unpaid basis.

53. Plaintiff ELLEN STRAW has been a part-time professor of English at Mt. San Antonio Community College since 2000. During that time, Plaintiff Straw's compensation for teaching her assigned classes has been based on the hours Plaintiff is instructing her class in the classroom, yet Plaintiff Straw has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading. Further, Defendant MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Straw in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Straw has provided and has only been able to perform on an unpaid basis.

54. Plaintiff STAN PORTER has been a part-time professor and lecturer in the writing program since 2014 at Modesto Junior College. During that time, Plaintiff Porter's compensation for teaching his assigned classes has been based on the hours Plaintiff is instructing his class in the classroom, yet Plaintiff Porter has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant YOSEMITE COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Porter in part on the basis of his work outside the classroom, including preparation, grading, and professional development work, a considerable number of hours of which Plaintiff Porter has provided and has only been able to perform on an unpaid basis.

55. Plaintiff JAMES KELLER has been a part-time professor of German language, culture and civilization, and German translation since 2004 at Pasadena Community college. During that time, Plaintiff Keller's compensation for teaching his assigned classes is based on the hours Plaintiff Keller is instructing his class in the classroom, yet Plaintiff Keller has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and

answering their emails. Further, Defendant PASADENA AREA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Keller, in part on the basis of his work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Keller has provided and has only been able to perform on an unpaid basis.

56. Plaintiff MERCEDES MCDONALD has been a part-time professor of History since 1990 at College of the Canyons. During that time, Plaintiff McDonald's compensation for teaching her assigned classes is based on the hours Plaintiff McDonald is instructing her class in the classroom, yet Plaintiff McDonald has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant SANTA CLARITA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff McDonald, in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff McDonald has provided and has only been able to perform on an unpaid basis.

57. Plaintiff LAURA TALLEY has been a part-time professor of English as a Second Language ("ESL") and English since 2016 at Yuba College. During that time, Plaintiff's compensation for teaching her assigned classes has been based on the hours Plaintiff is instructing her class in the classroom, yet Plaintiff Talley has had to spend a substantial amount of time preparing for in-classroom teaching, grading students and answering emails outside of classroom hours. Further, Defendant YUBA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Talley in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Talley has provided and has only been able to perform on an unpaid basis.

58. Plaintiff SANTINO LABBATE has been a part-time professor of physics since 2023 at Mt. San Jacinto Community college. During that time, Plaintiff Labbate's compensation for teaching his assigned classes is based on the hours Plaintiff Labbate is instructing his class in the classroom, yet Plaintiff Labbate has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Labbate, in

part on the basis of his work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Labbate has provided and has only been able to perform on an unpaid basis.

59. Plaintiff JESSICA LYN WHITE has been a part-time professor of sociology since 2011 at San Diego City College, Miramar College and Mesa College. During that time, Plaintiff White's compensation for teaching her assigned classes has been based on the hours Plaintiff White is instructing her class in the classroom, yet Plaintiff White has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant SAN DIEGO COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff White, in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff White has provided and has only been able to perform on an unpaid basis.

60. Plaintiff LYNDSEY LEFEBVRE has been a part-time professor of English at Cerritos Community College since 2010. During that time, Plaintiff Lefebvre's compensation for teaching her assigned classes has been based on the hours Plaintiff Lefebvre is instructing her class in the classroom, yet Plaintiff Lefebvre has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students, answering their emails, and engaging in professional development efforts. Further, Defendant CERRITOS COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Lefebvre in part on the basis of her work outside the classroom, including preparation, grading, and professional development efforts, a considerable number of hours of which Plaintiff Lefebvre has provided and has only been able to perform on an unpaid basis.

61. Plaintiff JAMES FORD has been a part-time professor of political science and economics at San Joaquin Delta College for over 20 years. During that time, Plaintiff Ford's compensation for teaching his assigned classes has been based on the hours Plaintiff is instructing his class in the classroom, yet Plaintiff Ford has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading. Further, Defendant SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Ford in part on the basis

of his work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Ford has provided and has only been able to perform on an unpaid basis.

62. Plaintiff ANNA MCKENNON has been a part-time professor of Humanities, English literature and composition at Mt. San Antonio Community College for over 20 years. During that time, Plaintiff McKennon's compensation for teaching her assigned classes has been based on the hours Plaintiff is instructing her class in the classroom, yet Plaintiff McKennon has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading. Further, Defendant MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff McKennon in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff McKennon has provided and has only been able to perform on an unpaid basis.

63. Plaintiff JOSEPH MCCARTHY has been a part-time professor of English since 2014 at Modesto Junior College. During that time, Plaintiff McCarthy's compensation for teaching his assigned classes has been based on the hours Plaintiff is instructing his class in the classroom, yet Plaintiff McCarthy has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant YOSEMITE COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff McCarthy in part on the basis of his work outside the classroom, including preparation, grading, and professional development work, a considerable number of hours of which Plaintiff McCarthy has provided and has only been able to perform on an unpaid basis.

64. Plaintiff PETRA LOTT has been a part-time professor of German and Linguistics at Pasadena Community college since 2005. During that time, Plaintiff Lott's compensation for teaching her assigned classes is based on the hours Plaintiff Lott is instructing her class in the classroom, yet Plaintiff Lott has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendant PASADENA AREA COMMUNITY COLLEGE DISTRICT has evaluated Plaintiff Lott, in part on the basis of his work outside the classroom, including preparation, grading and professional

development work, a considerable number of hours of which Plaintiff Lott has provided and has only been able to perform on an unpaid basis.

65. Plaintiff SIANE HOLLAND has been a part-time professor of psychology at College of the Canyons since 2015, and at LA Mission College since 2016. During that time, Plaintiff Holland's compensation for teaching her assigned classes is based on the hours Plaintiff Holland is instructing her class in the classroom, yet Plaintiff Holland has had to spend a substantial amount of time preparing for in-classroom teaching as well as grading students and answering their emails. Further, Defendants SANTA CLARITA COMMUNITY COLLEGE DISTRICT and LOS ANGELES COMMUNITY COLLEGE DISTRICT have evaluated Plaintiff Holland, in part on the basis of her work outside the classroom, including preparation, grading and professional development work, a considerable number of hours of which Plaintiff Holland has provided and has only been able to perform on an unpaid basis.

66. The Community College Defendants all maintain materially similar contracts that apply to part-time faculty that provide payment only for in-classroom hours and certain other limited instructional activities. Classroom hours are the hours when a class actually meets, whether in a classroom or virtually. The contracts all uniformly limit the type of activities for which the adjunct or part-time instructors may receive compensation.

67. The contracts also provide criteria by which part-time hourly instructional faculty will be evaluated. Evaluations uniformly rely on student input and evaluate adjunct or part-time hourly instruction faculty members' effectiveness and timeliness in completing their out-of-classroom teaching duties, including preparedness for class, coherence of the syllabus, promptness in evaluating student work, and helpfulness to students. Part-time faculty may lose re-employment preference or even face termination in the event of a less than satisfactory evaluation.

68. For example, LOS RIOS COMMUNITY COLLEGE DISTRICT penalizes part-time faculty in their faculty's performance reviews if they do not meet their grading, syllabus, and textbook order requirements on time and if they do not make themselves available to students.

69. Further, the Community College Defendants' faculty evaluations are also based on their professional development efforts, a considerable number of hours of which are not compensated. For example, Defendant LOS RIOS COMMUNITY COLLEGE DISTRICT requires faculty to prepare a self-study and submit it to the review team for evaluation. Such activity is important, especially for part-time faculty, who are hired for further semesters based on their performance but, in spite of this activity being mandatory, Defendant LOS RIOS COMMUNITY COLLEGE DISTRICT does not provide any compensation for the several hours that it requires. At all the other defendant Community College Districts, similar requirements are in effect.

70. At SAN DIEGO COMMUNITY COLLEGE DISTRICT, for the academic year 2021-2022, hourly wage rates for part-time hourly instructional faculty range from $44.63 to $ 94.02 for each hour of classroom time and are based on the faculty member's credentials and years of experience. The other Community College Defendants have substantially similar hourly wage rate ranges which vary based on years of experience.

71. In connection with teaching any class, Plaintiffs and Class Members must perform substantial additional duties outside of the compensated classroom hours or instructional activities. Such duties include, but are not limited to preparing lectures, grading student work, preparing classroom syllabi, selecting texts and other teaching materials, and communicating with students about assignments, course material, and other instructional matters.

72. The Community College Defendants expect their full-time faculty members to spend substantial time outside their classroom hours in teaching-related activities, and the compensation structure compensates full-time faculty members for that out-of-classroom time by paying full-time faculty on a salary basis. Each and every Community College Defendant expected part-time or adjunct professors to perform substantially the same duties as full-time professors in connection with being responsible for teaching a class, including spending considerable additional time performing work outside of the classroom to support the classroom duties for which they, unlike full-time faculty, are not compensated.

73. Furthermore, Community College Defendants evaluate part-time professors on

the basis of their unpaid work. For example, Mt San Jacinto Community College has evaluated Plaintiff Labbate on the basis of whether he is available for consultations with students, and whether he provides meaningful written and/or verbal feedback on class assignments or exams, all of which are activities that he necessarily performs outside of the classroom, and for which he is not paid.

74. In 2013, the Internal Revenue Service recognized the issue of unpaid labor by adjunct professors when it issued proposed rules concerning how to calculate when adjunct faculty members should be considered to be working close enough to full-time to be entitled to employee health insurance under then-new healthcare legislation. The IRS-proposed rules explained that "some commenters noted that educational organizations generally do not track the full hours of service of adjunct faculty, but instead compensate adjunct faculty on the basis of credit hours taught."[4]

75. In final guidance issued by the Treasury Department and the IRS to colleges across the country, it was recommended that colleges credit adjunct instructors for 1 ¼ hours of preparation time for each hour they spend in the classroom. It was also recommended that adjunct instructors be credited for any time they spend in office hours or other required meeting time.[5] This rule recognized the fact that considerable uncompensated out-of-classroom work was supporting in-class instructional activities.

CLASS ACTION ALLEGATIONS

76. Pursuant to California Code of Civil Procedure §382, Plaintiffs bring this class action on behalf of themselves and all other persons similarly situated to seek redress on behalf of persons who have been affected by Defendants' practices.

77. The class on whose behalf this Complaint is brought is composed of all non-exempt individuals who were or are employed as part-time professors by BUTTE-GLENN COMMUNITY

[4] Scott Jaschik, "IRS Starts to Address Issues on Adjunct Faculty Hours," Inside Higher Ed (January 7, 2013), available online at https://www.insidehighered.com/quicktakes/2013/01/07/irs-starts-address-issues-adjunct-faculty-hours

[5] Doug Lederman, "(More) Clarity on Adjunct Hours," Inside Higher Ed (February 11, 2014), available online at https://www.insidehighered.com/news/2014/02/11/irs-guidance-health-care-law-clarifies-formula-counting-adjunct-hours

COLLEGE DISTRICT, YUBA COMMUNITY COLLEGE DISTRICT, LOS RIOS COMMUNITY COLLEGE DISTRICT, MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT, SAN DIEGO COMMUNITY COLLEGE DISTRICT, CERRITOS COMMUNITY COLLEGE DISTRICT, LOS ANGELES COMMUNITY COLLEGE DISTRICT, SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT, MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT, YOSEMITE COMMUNITY COLLEGE DISTRICT, PASADENA AREA COMMUNITY COLLEGE DISTRICT, and SANTA CLARITA COMMUNITY COLLEGE DISTRICT at any time from the date four years prior to the filing of this Complaint to the date of trial in this action.

NUMEROSITY AND ASCERTAINABILITY

78. Defendants BUTTE-GLENN COMMUNITY COLLEGE DISTRICT, YUBA COMMUNITY COLLEGE DISTRICT, LOS RIOS COMMUNITY COLLEGE DISTRICT, MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT, SAN DIEGO COMMUNITY COLLEGE DISTRICT, CERRITOS COMMUNITY COLLEGE DISTRICT, LOS ANGELES COMMUNITY COLLEGE DISTRICT, SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT, MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT, YOSEMITE COMMUNITY COLLEGE DISTRICT, PASADENA AREA COMMUNITY COLLEGE DISTRICT, and SANTA CLARITA COMMUNITY COLLEGE DISTRICT each employ over 100 adjunct and part-time professors.

79. The class is so numerous that joinder of all members would be impracticable. The exact size of the proposed class, and the identity of the members thereof, is ascertainable from the business records of the Community College Defendants. The Disposition of the claims of these Class Members in a single action will provide substantial benefits to all parties and to the Court. Class Members are readily identifiable from information and records in the Community College Defendants' possession, custody, or control.

TYPICALITY

80. The claims of the representative Plaintiffs are typical of the claims of the Class in that the representative Plaintiffs, like all Class Members, were not paid for a considerable

number of hours of their work performed outside of in-class room teaching.

81. Furthermore, the factual bases for the Plaintiffs' claims are typical of the factual basis for the claims of all Class Members.

ADEQUATE REPRESENTATION

82. Plaintiffs are members of the Class and will fairly and adequately represent and protect the interests of the Class. Plaintiffs have retained counsel with substantial experience in prosecuting consumer class actions.

83. Plaintiffs and their counsel are committed to vigorously prosecuting the action on behalf of the Class and have the financial resources to do so. Neither Plaintiffs nor their counsel have interests adverse to those of the Class.

PREDOMINANCE OF COMMON ISSUES

84. There are numerous questions of law and fact common to Plaintiffs and Class Members that will predominate over any question affecting only individual Class Members. The answers to these common questions will advance resolution of the litigation as to all Class Members. The common legal and factual issues that predominate as to all members of the Class include, *inter alia*:

(a) whether the Community College Defendants' compensation structure for adjunct or part-time faculty fails to compensate Class Members for all time worked outside of the classroom;

(b) whether the Community College Defendants violated the California Labor Code and Wage Order No. 4 by failing to compensate Plaintiffs and Class Members with at least the California statutory minimum wage for all hours of work, including those worked outside of the classroom;

(c) whether the Community College Defendants were unjustly enriched as a result of the uncompensated work of Plaintiffs and Class Members, and its conferral upon Defendants of an economic benefit; and

(d) whether the Board of Governors has violated California Education Code §70901(b)(1)(B) by failing to comply with its oversight responsibilities

over the Community College Defendants with regard to setting minimum standards, as required by law, for the employment of academic and administrative staff in community colleges.

SUPERIORITY

85. Plaintiffs and Class Members have all suffered and will continue to suffer harm and damages as a result of the Community College Defendants' substantially similar uniform compensation policies for part-time faculty. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy.

86. Absent a class action, most Class Members would likely find the cost of litigating their claims prohibitively high and would therefore have no effective remedy at law. Absent a class action, Class Members will continue to incur damages, and Defendants' misconduct will continue without remedy.

87. Class treatment of common questions of law and fact, in lieu of multiple individual actions or piecemeal litigation, will conserve the resources of the courts and litigants and will promote consistency and efficiency of adjudication.

88. Defendants have acted in a materially identical manner with respect to the Plaintiffs and Class Members.

FIRST CAUSE OF ACTION
Failure to Pay Minimum Wages - Labor Code §§ 1182.12, 1194, 1194.2, 1197, 1197.1, and IWC Wage Order No. 4-2001
(By Plaintiffs and Class Members Against All Defendants and Applicable DOES)

89. Plaintiffs reallege and incorporate herein by reference all allegations in Paragraphs 1 through 87, as if expressly set forth in this Count.

90. Labor Code § 1197 makes it unlawful to pay an employee less than the minimum wage for each hour worked.

91. Wage Order No. 4(1)(B) makes it clear that California's minimum wage provisions, which are contained in Section 4 of that Wage Order, apply to Defendant Community College Districts as they are "political subdivisions" of the State and/or "Special Districts" of the State.

92. Section 1182.2 of the California Labor Law, which also contains the State's minimum wage requirements, defines "employer" as "any person who directly or indirectly … employs or exercises control over the wages, hours, or working conditions of any person" and includes "the state, political subdivisions of the state, and municipalities."

93. By virtue of California Education Code § 70901(b)(1)(b), which requires the Board of Governors to, among other things, establish minimum standards as required by law, including minimum standards for the employment of academic and administrative staff in community colleges, the Board of Governors is also an "employer" of Plaintiffs and the members of the Class for purposes of California's minimum wage laws.

94. Labor Code § 1194 entitles an employee receiving less than the minimum wage to recover, in a civil action, the unpaid balance of minimum wages owing, plus interest thereon, reasonable attorneys' fees, and costs of suit.

95. Labor Code § 1194.2 entitles an employee to receive damages, including equal to but not less than the minimum wage for the hours for which the employee was not paid, and also to recover liquidated damages and interest thereon.

96. Defendants' compensation structure for part-time faculty only compensates Plaintiffs and Class Members for their classroom time and a limited number of other instructional activities. Defendants, however, permitted and suffered Plaintiffs and Class Members to perform substantial work outside of classroom time on behalf of the Community College Defendants, including but not limited to classroom and lesson preparation, grading, and communication with students for which the Community College Defendants did not provide Plaintiffs and Class Members compensation. Accordingly, the Community College Defendants have failed, and continue to fail, to pay, and the Board of Governors have failed to require the Community College Defendants to pay, the Plaintiffs and Class Members at least minimum wage for all hours worked, in violation of Labor Code §§1194 and 1197, and Wage Order No. 4. As a proximate result of these violations, Plaintiffs have been damaged in an amount according to proof at trial.

97. Pursuant to Labor Code §§ 1182.2,1194, 1194.2, 1197, and 1197.1, and other

applicable provisions under the Labor Code and IWC Wage Orders, Plaintiffs and Class Members are entitled to recover the unpaid minimum wages that Defendants owe Plaintiffs and Class Members, plus related contributions to the California State Teachers' Retirement System ("STRS"), interest, liquidated damages, penalties, attorneys' fees, expenses, and costs of suit.

SECOND CAUSE OF ACTION
Failure to comply with California Education Code § 70901(b)(1)(B).
(By All Plaintiffs Against Defendant Board of Governors)

98. Plaintiffs reallege and incorporate herein by reference the allegations in Paragraphs 1 through 87, as if expressly set forth in this Count.

99. Plaintiffs file this cause of action individually, and on behalf of Class Members, to challenge and to remedy Defendant Board of Governors' failure to comply with California Education Code § 70901(b)(1)(b). That Education Code section requires the Board of Governors to, among other things, establish minimum standards as required by law, including minimum standards for the employment of academic and administrative staff in community colleges.

100. As alleged in this Complaint, Defendant Board of Governors has failed to, as mandated by Cal. Educ. Code § 70901(b)(1)(b), require that Community College Defendants comply with California's minimum wage law with regard to compensating Plaintiffs and Class Members, and has therefore violated its duties under Cal. Educ. Code § 70901(b)(1)(b) and caused damage to Plaintiffs and Class Members.

101. In addition, the Board of Governors should be mandated to require the Community College Defendants to comply with California's minimum wage laws.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, respectfully pray for relief against Defendants as follows:

(1) For an order certifying this action as a class action,

(2) For an order appointing Plaintiffs as Class Representatives and appointing Plaintiffs' counsel as Class Counsel;

(3) For a judgment requiring all Defendants to pay all wages due under the California Labor Code and IWC Wage Order No. 4-2001, in an amount to be ascertained at trial;

(4) For statutory and civil penalties according to proof, including but not limited to civil penalties authorized by California Labor Code §1194.2, 1197.1 and IWC Wage Order No. 4-2001, Sec. 20;

(5) For judgment declaring that Defendants have each failed to ensure payment, in accordance with California law, to Plaintiffs and members of the Class of at least minimum wage for all hours worked outside-of-the-classroom;

(6) For damages, statutory damages, liquidated damages, and/or civil penalties according to proof, including but not limited to civil penalties authorized by California Labor Code §1194.2, 1197.1, and IWC Wage Order No. 4-2001, Sec. 20;

(7) For a judicial declaration that the existing compensation structure fails to compensate part-time faculty at no less than the minimum wage for all hours worked outside-of-classroom;

(8) For pre-judgment interest;

(9) For costs of suit and expenses;

(10) For reasonable attorneys' fees, pursuant to Labor Code §§1194, and 1197.1, and/or Code of Civil Procedure § 1021.5; and

(11) For such further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury on all issues so triable.

Dated: March 24, 2025

KLAFTER LESSER LLP

By: _____

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Admission pro hac vice forthcoming

PROOF OF SERVICE

Re: *Martin v. CCC* - Sacramento County Superior Court Case No. 25CV015406

I, Nancy Velasquez, certify that I am not a party to the proceeding herein, that I am and was at the time of service over the age of 18 years old, and a resident of the State of Connecticut. My business address is Two International Drive, Ste 350, Rye Brook, New York 10573.

On March 24, 2026, I served the following:

FIRST AMENDED COMPLAINT

by ELECTRONIC SERVICE ONLY, pursuant to C.C.P. §1010.6(e) to the person(s) and electronic mail address(es) shown below.

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I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 24, 2026

Nancy Velasquez

Nancy Velasquez