

CONCURRENCE IN SENATE AMENDMENTS

AB 1028 (Fong)

As Amended September 4, 2025

Majority vote

SUMMARY

Requires, if a governing board of a community college district decides to terminate a part-time faculty, the governing board to comply with the procedures for termination as delineated in the community college's collective bargaining agreement with part-time faculty.

Senate Amendments

- 1) Deletes language that delayed provisions of the measure from going into immediate effect if the provisions of the measure were in conflict with the provisions of the collective bargaining agreement.

COMMENTS

Terminology. The codes containing the provisions for the employment of an employee at the CCC are located in EDC Sections 87000-88280. Within those code sections, there are terms for academic faculty that are used interchangeably to describe the conditions of the faculty's employment. The terms are as follows:

- 1) *Tenured or Regular faculty* – faculty who are (1) employed full-time, (2) have been employed with the same community college district for more than four years, and (3) have been provided tenure (permanent employment status) by the faculty-evaluation committee and the governing board of the community college.
- 2) *Contract faculty or Tenured-tracked faculty* – faculty who are (1) employed full-time, and (2) have been employed at the same community college district for less than four years.
- 3) *Temporary, Part-time, or Adjunct faculty* – faculty who are (1) not employed full-time (less than 67% of a full-time course load), and (2) are not considered tenure-tracked and therefore, are not eligible for tenure according to the Education Code.

For purposes of this analyses, "part-time faculty" will mean faculty who are employed less than 67% of a full-time course load.

Part-time faculty at the CCC. In fall 2023 the CCC employed 18,085 tenured/tenure track faculty and 37,942 part-time faculty, as reported in the "CCC Annual Statewide Staffing Report: Headcount by District". If academic faculty are the train behind the CCC ensuring students have the knowledge necessary to complete their educational journey, then part-time faculty are the engine. Part-time faculty represented 67.7% of the academic workforce at the community college.

Part-time faculty and collective bargaining agreements. For more than three decades the Legislature has grappled with how to appropriately incentivize community college districts to hire more full-time faculty rather than part-time faculty. Only within the last several years, has the Legislature embraced the fluctuating conditions of CCC enrollment and instead looked towards encouraging parity in working conditions and pay for community college faculty. In

2001, AB 1245 (Alquist), Chapter 850, Statutes of 2001, required community college districts to establish annual re-hiring rights to part-time faculty, essentially creating a "tenured" list for part-time faculty. The legislation required any collective bargaining agreement entered into after January 1, 2002 to include a provision on re-hiring rights. In 2016, SB 1379 (Mendoza), Chapter 891, Statutes of 2016, codified the terms and conditions for part-time faculty required in every collective bargaining agreements for faculty. The legislation required collective bargaining agreements to include terms of reemployment preferences for part-time faculty based on a minimum standards, policies for the termination of reemployment preferences, and a regular evaluation process. Furthermore, as part of the annual Student Equity and Achievement Program submissions, districts are required to self-certify if they are complying with all relevant statutes to receive funding which includes having a collective bargaining agreement with part-time faculty. According to the Chancellor's Office of the CCC, each of the 73 districts have collective bargaining agreements that include provisions pertaining to part-time faculty.

This measure seeks to expand the collective bargaining rights for part-time faculty to include the procedures for termination. Should this measure become law, part-time employees would be able to negotiate the terms of their termination in collective bargaining agreements with their employer, the community college districts.

According to the Author

As contended by the author, "part-time faculty are the backbone of California's community colleges, and in the unfortunate event that they are let go, they deserve to know the reason they have not been rehired. AB 1028 will give part-time faculty the same consideration, respect, and dignity given to full-time employees, by clarifying the process that must be followed by Community College Districts and explicitly stating that termination processes outlined in bargaining agreements are honored."

Arguments in Support

As purported by CFT, a union of educators and classified professionals, "this bill provides part-time workers with clarity that they can work to create a termination process that can be locally bargained. This can include bargaining to create due process rights that are similar or equivalent to termination of full-time faculty. Currently part-time faculty members, which is also referred to as temporary employees in the Education Code, work on an 'at will' basis, meaning that they can be fired without cause or even provided a simple explanation. While part-time faculty must meet the same qualifications to teach students, they are not provided the same rights as full-time faculty. Students benefit from more experienced instructors, and being able to obtain some due process rights could encourage greater retention of faculty. This legislation simply explicitly states that part-time faculty can bargain due process rights, which consists of whatever is locally agreed upon..."

Arguments in Opposition

The Community College League of California, respectfully opposes because, "AB 1028 would create new pressures on community college districts to negotiate new rights for employees, who, per the Education Code, serve at the discretion of the district. Specifically, AB 1028 amends Education Code Section 87665, which authorizes districts to terminate temporary employees at the end of a day or week at their discretion, without judicial review. Under this bill, termination decisions must comply with the terms outlined in a local collective bargaining agreement (CBA). Existing law (AB 1690, Medina, 2016) already enables districts and labor to negotiate

reemployment and termination terms, making this bill an overreach into the local bargaining process."

FISCAL COMMENTS

According to the Senate Committee on Appropriations:

The Chancellor's Office estimates that this bill could result in one-time Proposition 98 General Fund costs of \$14,000 to \$22,000 per district, or between \$1 million and \$1.6 million statewide across all 72 districts, to update collective bargaining agreements and include procedures regarding the termination of part-time faculty. These costs could be lower to the extent districts already have these policies in place.

VOTES:

ASM HIGHER EDUCATION: 7-2-1

YES: Fong, Boerner, Jackson, Muratsuchi, Patel, Celeste Rodriguez, Sharp-Collins

NO: DeMaio, Jeff Gonzalez

ABS, ABST OR NV: Tangipa

ASM APPROPRIATIONS: 11-2-2

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Dixon, Tangipa

ABS, ABST OR NV: Sanchez, Ta

ASSEMBLY FLOOR: 71-5-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Macedo, Patterson, Sanchez, Tangipa

ABS, ABST OR NV: Castillo, Ellis, Ta

UPDATED

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