

GRAVENSTEIN UNION SCHOOL DISTRICT

Administrative Regulation

Preretirement Part-Time Employment

AR 4117.11 4317.11

Personnel

***Note: Education Code 22713 and 44922 authorize the Governing Board to adopt regulations that allow certificated employees, who are members of the defined benefit program of the California State Teachers' Retirement System, to reduce their workload from full time to part time while still receiving the service credit they would have received as full-time employees and having their retirement allowance and other benefits be based on their final compensation calculated as if employed on a full-time basis. If the district chooses to allow employees to reduce their workload in this manner, then Education Code 22713 and 44922 mandate that the district's regulation include at least the conditions specified in items #1-8 below. ***

On a case-by-case basis, the Superintendent or designee may allow a certificated employee to reduce his/her workload from full time to part time when doing so does not disrupt the educational program and is in the best interests of the district.

A certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) and who reduces his/her workload to part time may maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis under the following conditions: (Education Code 22713, 44922)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

1. The option to reduce the employee's workload shall be exercised at the request of the employee and can be revoked only with the mutual consent of the Superintendent or designee and the employee. The agreement to reduce the workload shall be in effect at the beginning of the school year.

***Note: SB 634 (Ch. 304, Statutes of 2009) amended Education Code 22713 to clarify requirements pertaining to the number of years of prior full-time service. as provided below. ***

2. Prior to the reduction in workload, the employee shall have performed creditable service on a full-time basis for a minimum of 10 years, of which the immediately preceding five years were full-time employment.

***Note: SB 634 (Ch. 304, Statutes of 2009) amended Education Code 22713 to specify that certain absences "from full-time employment" shall not constitute a break in service for the purposes specified below. ***

3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences for personal reasons from full-time employment shall not constitute a break in service. However, the period of time during which a member is retired shall constitute a break in service and an employee who reinstates from retirement shall be required to be employed in creditable service on a full-time basis for at least five school years preceding the workload reduction.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

4. The employee shall have reached the age of 55 years prior to the workload reduction.

5. The employee shall not hold a position with a salary above that of a school principal.

***Note: Pursuant to Education Code 22713 and 44922, the district's regulation may specify a limitation, not to exceed 10 years, as to how long an employee may reduce his/her workload. The district may modify item #6 below to reflect its specific limitation. ***

6. The period of the reduced workload shall not exceed 10 years.

7. The reduced workload shall be equal to at least one-half of the full-time equivalent required by the employee's contract of employment in accordance with Education Code 22138.5 during his/her final year of full-time employment.

8. The employee shall be paid compensation that is the pro rata share of the compensation the employee would have earned had he/she not opted to reduce his/her workload.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

44922 Regulations; reduction to part-time employment

GOVERNMENT CODE

21110-21120 Reduced workload, partial service retirement under PERS

53201 Health and welfare benefits: election by officers and employees

Management Resources:

WEB SITES

California Public Employees' Retirement System: <http://www.calpers.ca.gov>

California State Teachers' Retirement System: <http://www.calstrs.com>

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**Gravenstein Union School District
Sebastopol, California**