

Regulation 4317.11: Preretirement Part-Time Employment

Status: ADOPTED

Original Adopted Date: 11/01/2009 | **Last Revised Date:** 11/01/2011 | **Last Reviewed Date:** 11/01/2011

When the Governing Board has adopted the reduced workload program, any certificated employee may reduce his/her workload from full time to part time in accordance with applicable law, district regulations, and collective bargaining agreement.

Any such certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) may continue to receive the service credits and maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis, provided the following conditions exist: (Education Code 22713, 44922)

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement to reduce the workload shall be in effect at the beginning of the school year.
2. Prior to the reduction in workload, the employee shall have a minimum of 10 years of credited service, of which the immediately preceding five years shall be full-time employment.
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 from full-time employment for personal reasons shall not constitute a break in service. However, any period of time during which an employee is retired shall constitute a break in service and the employee shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction if he/she reinstates from retirement.
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.
6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment, in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment preceding the reduction in workload.
7. The employee shall be paid compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.

8. For each school year that the employee's workload is reduced, the district and/or employee shall make any payment or contribution necessary for the employee's retention of a benefit to which he/she is entitled if employed full time, in the same manner as if the employee were employed full time.
9. The agreement may be revoked only by mutual consent of the employee and the district.

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program paid (picked up) by the district may not terminate the agreement to reduce his/her workload except by one of the following:

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1. Terminating his/her service
 2. Retiring from service under the defined benefit program
 3. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
 4. Returning to full-time employment

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

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)

After determining that it is in the best interest of the district, the Board may allow any certificated employee who is not eligible to reduce his/her workload pursuant to Education Code 22713 or 44922 to reduce his/her workload from full time to part time. In any such case, the Board shall specify the terms and conditions under which the reduction in workload shall take place.

State	Description
Ed. Code 22119.5	<u>Creditable service; definition</u>
Ed. Code 22138.5	<u>Full-time; definition</u>
Ed. Code 22713	<u>Part-time employment; reduction of workload from full-time; credit</u>
Ed. Code 22903	<u>Payment of contributions by employer for tax deferred purposes</u>
Ed. Code 44922	<u>Regulations; reduction to part-time employment</u>
Ed. Code 44924	<u>Regulations; prohibition against waiver of benefits</u>
Gov. Code 21110-21120	<u>Reduced workload; partial service retirement under PERS</u>

Management Resources

Court Decision

Court Decision

Website

Website

Website

Description

Praiser v. Biggs Unified School District (2001) 87 Cal.App.4th 398

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

CSBA District and County Office of Education Legal Services

Public Employees' Retirement System

California State Teachers' Retirement System

Code

4154

4154

4161.1

4254

4254

4354

4354

4361.1

Description

Health And Welfare Benefits

Health And Welfare Benefits

Personal Illness/Injury Leave

Health And Welfare Benefits

Health And Welfare Benefits

Health And Welfare Benefits

Health And Welfare Benefits

Personal Illness/Injury Leave