

PRE-RETIREMENT/PART-TIME EMPLOYMENT

When the Board of Trustees 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:

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 agreement 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.
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 in the District.
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 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 if he/she reinstates from retirement.
4. The employee shall have reached the age of 55 years prior to the reduction in workload.
5. The employee shall not hold a position with a salary above that of a school principal.
6. The reduced workload shall be no less than 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 a compensation that is the pro rata share of the compensation the employee would have earned had the employee not opted to reduce 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 Superintendent or designee.

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

- a. Terminating his/her service

PRE-RETIREMENT/PART-TIME EMPLOYMENT

- b. Retiring from service under the defined benefit program
- c. 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
- d. 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](#))

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

22903 Payment of contributions by employer for tax deferred purposes

44922 Regulations; reduction to part-time employment

44924 Regulations; prohibition against waiver of benefits

GOVERNMENT CODE

21110-21120 Reduced workload, partial service retirement under PERS

53201 Health and welfare benefits: election by officers and employees

COURT DECISIONS

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

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

Management Resources:

WEB SITES

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

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

Issued: March 22, 2011