

**PRERETIREMENT PART-TIME EMPLOYMENT**

The Governing Board approves of allowing employees enrolled in the State Teachers Retirement System the opportunity to work on a part-time basis for a period of time before retirement without jeopardizing full retirement credit. (Education Codes 22724 and 44922). This opportunity will be extended to all personnel who meet the criteria detailed in administrative regulations.

Any certificated employee who is enrolled in PERS rather than STRS may participate in the reduced workload program for up to five years or until 70 years of age.

*Legal Reference:*

EDUCATION CODE

22724 *Credit for certain part-time employment*

44922 *Regulations: reduction to part-time employment*

GOVERNMENT CODE

20815 *Part-time employee; retirement with benefits based upon salary on full-time basis*

53201 *Health and welfare benefits: election by officers and employees; deduction of premiums or charges from salaries*

**PRERETIREMENT PART-TIME EMPLOYMENT**

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 in accordance with applicable law, district regulations, and collective bargaining agreement when doing so does not disrupt the educational program and is in the best interests of the district.

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)

*(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 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.

*(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.
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.

**PRERETIREMENT PART-TIME EMPLOYMENT** (continued)

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 paid (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
  - 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: (see next page)*

**PRERETIREMENT PART-TIME EMPLOYMENT (continued)**

*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.4<sup>th</sup> 398

*United Teachers-Los Angeles v. Los Angeles Unified School District* (1994) 24 Cal.App.4<sup>th</sup> 1510

*Management Resources:*

WEB SITES

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

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

Regulation

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**VISALIA UNIFIED SCHOOL DISTRICT**

Visalia, California