

September 19, 2011

TO: All County Superintendents of Schools
District Superintendents of Schools
Community College Districts
Charter School Administrators and
Other Employing Agencies

FROM: Jack Ehnes
Chief Executive Officer

SUBJECT: Employer Directive 2011-04
Service Credit for an Elected Official

PURPOSE

This directive about Education Code section 22711 is intended to remind employers how to report service for employees granted a compensated leave of absence to serve as elected officials of an employee organization.

SCOPE

Education Code section 44987(a) states the governing board of a school district shall grant an employee's request for leave of absence without loss of compensation to serve as an elected officer of any local school district employee organization, or any statewide or national public employee organization with which the local organization is affiliated.

In addition, Education Code section 22711 allows the member to receive service credit during their time as an elected official.

DISCUSSION

A member granted a compensated leave of absence, to serve as an elected officer of an employee organization, will accumulate service credit as if they were working on a full-time basis, if *all* the following conditions are met:

- The member is employed and performs service creditable to the Defined Benefit Program in the month prior to the commencement of their leave of absence.
- The member makes contributions to the Teachers' Retirement Fund in the same amount as if they were still performing creditable service on a full-time basis in the position from which they are on a compensated leave of absence during the time they serve as an elected official.
- The employer makes contributions to the Teachers' Retirement Fund at the Employer Contribution Rate for Elected Officials as if the member were performing creditable service on a full-time basis in the position from which they have taken a leave of absence.
- The employer continues to report creditable compensation that would have been paid to the member as if they were working in the position from which they took a leave of absence.
- The member has not served in this capacity for more than 12 calendar years.

ACTION

Employers must report the service with assignment code 37 (elected official) and contribution code 1 (normal), and continue to report the member's earnings and contributions as if he or she were working full-time in the position from which they have taken a compensated leave of absence and make contributions at the employer rate for an elected official.