

Employer Information Circular

Volume 20; Issue 2

January 29, 2004

2004 TEACHERS' RETIREMENT LAW CHANGES

Changes Affecting Full-time Adult Education, Substitute Employees, and Reduced Workload Program

The purpose of this circular is to alert employers to changes in the California Education Code that affect membership as a result of the Senate Bill 627, enacted as Chapter 859, Statutes of 2003.

Full Time—Adult Education

Section 22138.5

Previously the requirement that the collective bargaining agreement or employment agreement requirement identify the full-time equivalent did not apply to agreements with community college adult education instructors.

Section 22138.5 (a) has been amended to additionally apply this requirement to agreements with community college adult education instructors. Each community college collective bargaining agreement or employment agreement that applies to a member employed as an adult education instructor shall specify the number of hours of creditable service that equal “full time for that instructor.” The minimum standard for instructors employed on a part-time basis in adult education is 875 instructional hours per school year.

Substitute Employees

Section 22503

Section 22503 has been amended to clarify that it applies to substitute *employees*, such as counselors and librarians rather than only to substitute teachers. The Education Code now reads:

- (a) Any person employed to perform creditable service as a substitute employee who is not already a member of the Defined Benefit Program is a member as of the first day of the pay period following the pay period in which the person performed 100 or more complete

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days of creditable service during the school year in one school district, community college district, or county superintendent's office, unless excluded from membership pursuant to Section 22601, which states that persons serving as exchange teachers or sojourn teachers from outside of this state are excluded from membership in the plan.

Reduced Workload Program	Section 22713
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Education Code Section 22713 permits the governing board of a school district, a community college district, or a county superintendent of schools to allow an employee who is a member of the Defined Benefit (DB) Program to reduce his or her workload from full time to part time and still receive the service credit and other benefits, including final compensation, as specified within the program, as if he or she was employed on a full-time basis.

Specific changes clarifying the Reduced Workload Program requirements are:

- Member shall have been employed on a full-time basis to perform creditable service subject to coverage under the DB Program and have a minimum of 10 years of **credited service**, including five years of **credited service** for full-time employment immediately preceding the reduction in workload.
- Unpaid absences from the performance of creditable service due to personal reasons do not constitute a break in service.

If you have questions regarding the above changes, please contact your CalSTRS Defined Benefit Program Representative.