

**MAY 2016 UPDATES - GUIDESHEET**  
**BOARD MEMBERS FIRST READ: AUGUST 10, 2016**  
**BOARD ADOPTION: SEPTEMBER 14, 2016**

**AR 4217.11**

**Preretirement Part-Time Employment**

(AR revised) Regulation updated to clarify that the regulation is mandated for districts that choose to offer a reduced workload program, which allows classified employees who are members of the Public Employees' Retirement System to reduce their workload to part time while continuing to receive the service credit and other benefits they would have received as full-time employees. Eligibility criteria revised to more directly reflect law. New material reflects requirements re: verification of employee's eligibility, and clarifies that other employees may be allowed to work part time without the benefits of the reduced workload program.

# **Administrative Regulation**

## **Preretirement Part-Time Employment**

AR 4217.11

### **Personnel**

\*\*\*Note: The following administrative regulation is for use only by districts that choose to offer a reduced workload program as authorized by Education Code 45139 and Government Code 20905. In such districts, classified employees who are members of the Public Employees' Retirement System may reduce their workload from full time to part time while continuing to receive the service credit and other benefits they would have received as full-time employees and having their retirement allowance calculated based on their final compensation as if employed on a full-time basis, provided that the district and employee both contribute to the retirement fund the amount that would have been contributed if the employee was employed on a full-time basis. For any district that chooses to allow classified employees to reduce their workload in this manner, Education Code 45139 mandates that its regulation include at least the conditions specified in items #1-9 below.\*\*\*

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

When so authorized, any classified employee who is a member of the Public Employees' Retirement System may reduce his/her workload from full time to part time without losing retirement benefits, if all of the following conditions are met: (Education Code 45139)

1. The employee shall have reached the age of 55 prior to the workload reduction.
2. The employee shall have been employed full time in a classified position for at least 10 years, of which the immediately preceding five years were full-time employment.
3. During the period immediately preceding a request for reduction in workload, the employee shall have been employed full time in a classified position for a total of at least five years without a break in service.
4. The option of part-time employment shall be exercised at the request of the employee and can be revoked only with the mutual consent of the employee and the district.
5. The employee shall be paid a salary that is the pro rata share of the salary he/she would be earning had the employee not elected to exercise the option of part-time employment.

\*\*\*Note: Education Code 45139 requires the district to provide health insurance benefits pursuant to Government Code 53201 to an employee who reduces his/her workload, in the same manner as full-time employees. Thus, if full-time employees are required to make payments towards their health insurance, then an employee who wishes to reduce his/her workload must

make the payment to receive the health insurance benefit. In *Praiser v. Biggs Unified School District*, the court held that a certificated employee who reduced his workload was entitled to receive the district-provided health insurance benefit for free since he would not have had to pay if he was a full-time employee.\*\*\*

6. The employee shall retain all other rights and benefits for which he/she makes the payments that would be required if he/she remained in full-time employment. The employee shall receive health benefits in the same manner as a full-time classified employee.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

7. The minimum part-time employment shall be the equivalent of one-half of the number of hours of service required by the employee's contract during his/her final year of service in a full-time classified position.

8. The period of the part-time employment shall not exceed five years.

9. The period of part-time employment shall not extend beyond the end of the school year during which the employee reaches his/her 70th birthday.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility for the reduced workload program. (Government Code 20905)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Government Code 20905)

(cf. 3580 - District Records)

\*\*\*Note: The following optional paragraph allows the Board to enter into an agreement for reducing the workload of classified employees who do not satisfy the provisions of Education Code 45139. Districts that do not wish to allow reduction in workload other than as specified under Education Code 45139 should delete this paragraph.\*\*\*

The district may allow any classified employee who is not eligible for the reduction of workload pursuant to Education Code 45139 to reduce his/her workload from full time to part time after determining that it is in the best interest of the district. In any such case, the Board shall specify the terms and conditions under which the reduction in workload shall take place.

**Legal Reference:**

EDUCATION CODE

45139 Reduced workload for classified employees

GOVERNMENT CODE

20000-21703 Public Employees' Retirement System, especially:

20905 Reduced workload program, classified employees

53201 Health and welfare benefits

COURT DECISIONS

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

Management Resources:

WEB SITES

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

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