

AMENDED IN ASSEMBLY AUGUST 22, 2012
AMENDED IN ASSEMBLY AUGUST 16, 2012
AMENDED IN ASSEMBLY JUNE 20, 2012
AMENDED IN ASSEMBLY MAY 14, 2012
AMENDED IN SENATE JANUARY 17, 2012
AMENDED IN SENATE MAY 31, 2011
AMENDED IN SENATE APRIL 4, 2011
AMENDED IN SENATE MARCH 23, 2011
AMENDED IN SENATE MARCH 10, 2011

SENATE BILL

No. 114

Introduced by Senator Yee

January 19, 2011

An act to amend, repeal, and add Section 22138.5 of the Education Code, relating to teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Yee. Teachers: retirement.

The Teachers' Retirement Law, which is administered by the Teachers' Retirement Board, prescribes a comprehensive system of rights and benefits for its members, including disability benefits, retirement benefits, and death benefits. That law specifies the days or hours of creditable service that equal "full time" for the purpose of calculating benefits under the Defined Benefit Program, with a minimum standard applied, as specified. Under that law, each collective bargaining agreement or employment agreement, which applies to a member subject

to the minimum standard for community college based on 525 instructional hours per school year for all instructors employed on a part-time basis, is required to specify the number of hours of creditable service that equal full time and to specifically reference that section.

This bill, as of July 1, 2013, would expand that provision to apply to collective bargaining agreements or employment agreements for community college instructors employed in adult education programs who have a minimum of 875 instructional hours per school year. The bill would also require a copy of the collective bargaining agreements or employment agreements for those members to be submitted to the State Teachers' Retirement System in accordance with specified criteria and would require those agreements to specify the number of hours of creditable service that equal "full time" for each class of employee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22138.5 of the Education Code is
2 amended to read:

3 22138.5. (a) "Full time" means the days or hours of creditable
4 service the employer requires to be performed by a class of
5 employees in a school year in order to earn the compensation
6 earnable as defined in Section 22115 and specified under the terms
7 of a collective bargaining agreement or employment agreement.
8 For the purpose of crediting service under this part, "full time"
9 may not be less than the minimum standard specified in this
10 section. Each collective bargaining agreement or employment
11 agreement that applies to a member subject to the minimum
12 standard specified in paragraph (5) of subdivision (c) shall specify
13 the number of hours of creditable service that equal "full time"
14 pursuant to this section, and shall make specific reference to this
15 section.

16 (b) The minimum standard for full time in prekindergarten
17 through grade 12 is as follows:

18 (1) One hundred seventy-five days per year or 1,050 hours per
19 year, except as provided in paragraphs (2) and (3).

20 (2) (A) One hundred ninety days per year or 1,520 hours per
21 year for all principals and program managers, including advisers,
22 coordinators, consultants, and developers or planners of curricula,

1 instructional materials, or programs, and for administrators, except
2 as provided in subparagraph (B).

3 (B) Two hundred fifteen days per year or 1,720 hours per year
4 including school and legal holidays pursuant to the policy adopted
5 by the employer’s governing board for administrators at a county
6 office of education.

7 (3) One thousand fifty hours per year for teachers in adult
8 education programs.

9 (4) Notwithstanding any other provision of this subdivision, if
10 a school district, county office of education, or charter school
11 reduces the number of days of instruction pursuant to Section
12 46201.4 for the 2012–13 or 2013–14 fiscal years, the minimum
13 standard for full time specified in paragraph (1) shall be reduced
14 to the number of days of instruction provided by that school district,
15 county office of education, or charter school and the number of
16 hours of instruction equal to the number of days of instruction
17 times six. The minimum standard for full time specified in
18 paragraphs (2) and (3) for that school district, county office of
19 education, or charter school shall be reduced by the same
20 percentage of days and hours the standard specified in paragraph
21 (1) was reduced pursuant to this paragraph.

22 (c) The minimum standard for full time in community colleges
23 is as follows:

24 (1) One hundred seventy-five days per year or 1,050 hours per
25 year, except as provided in paragraphs (2), (3), (4), (5), and (6).
26 Full time includes time for duties the employer requires to be
27 performed as part of the full-time assignment for a particular class
28 of employees.

29 (2) One hundred ninety days per year or 1,520 hours per year
30 for all program managers and for administrators, except as provided
31 in paragraph (3).

32 (3) Two hundred fifteen days per year or 1,720 hours per year
33 including school and legal holidays pursuant to the policy adopted
34 by the employer’s governing board for administrators at a district
35 office.

36 (4) One hundred seventy-five days per year or 1,050 hours per
37 year for all counselors and librarians.

38 (5) Five hundred twenty-five instructional hours per school year
39 for all instructors employed on a part-time basis, except instructors
40 specified in paragraph (6). If an instructor receives compensation

1 for office hours pursuant to Article 10 (commencing with Section
2 87880) of Chapter 3 of Part 51 of Division 7 of Title 3, the
3 minimum standard shall be increased appropriately by the number
4 of office hours required annually for the class of employees.

5 (6) Eight hundred seventy-five instructional hours per school
6 year for all instructors employed in adult education programs. If
7 an instructor receives compensation for office hours pursuant to
8 Article 10 (commencing with Section 87880) of Chapter 3 of Part
9 51 of Division 7 of Title 3, the minimum standard shall be
10 increased appropriately by the number of office hours required
11 annually for the class of employees.

12 (d) The board has final authority to determine full time for
13 purposes of crediting service under this part if full time is not
14 otherwise specified in this section.

15 (e) This section shall become inoperative on July 1, 2013, and,
16 as of January 1, 2014, is repealed, unless a later enacted statute,
17 that becomes operative on or before January 1, 2014, deletes or
18 extends the dates on which it becomes inoperative and is repealed.

19 SEC. 2. Section 22138.5 is added to the Education Code, to
20 read:

21 22138.5. (a) (1) “Full time” means the days or hours of
22 creditable service the employer requires to be performed by a class
23 of employees in a school year in order to earn the compensation
24 earnable as defined in Section 22115 and specified under the terms
25 of a collective bargaining agreement or employment agreement.
26 For the purpose of crediting service under this part, “full time”
27 may not be less than the minimum standard specified in this
28 section. Each collective bargaining agreement or employment
29 agreement that applies to a member subject to the minimum
30 standard specified in either paragraph (5) or (6) of subdivision (c)
31 shall specify the number of hours of creditable service that equal
32 “full time” pursuant to this section for each class of employee
33 subject to either paragraph, shall make specific reference to this
34 section, and *the district* shall submit a copy of the agreement to
35 the system.

36 (2) *The copies of each agreement shall be submitted*
37 *electronically in a format determined by the system that ensures*
38 *the security of the transmitted member data.*

1 (3) *The copies shall be electronically submitted annually to the*
2 *system on or before July 1, or on or before the effective date of*
3 *the agreement, whichever is later.*

4 (b) The minimum standard for full time in prekindergarten
5 through grade 12 is as follows:

6 (1) One hundred seventy-five days per year or 1,050 hours per
7 year, except as provided in paragraphs (2) and (3).

8 (2) (A) One hundred ninety days per year or 1,520 hours per
9 year for all principals and program managers, including advisers,
10 coordinators, consultants, and developers or planners of curricula,
11 instructional materials, or programs, and for administrators, except
12 as provided in subparagraph (B).

13 (B) Two hundred fifteen days per year or 1,720 hours per year
14 including school and legal holidays pursuant to the policy adopted
15 by the employer's governing board for administrators at a county
16 office of education.

17 (3) One thousand fifty hours per year for teachers in adult
18 education programs.

19 (4) Notwithstanding any other provision of this subdivision, if
20 a school district, county office of education, or charter school
21 reduces the number of days of instruction pursuant to Section
22 46201.4 for the 2012–13 or 2013–14 fiscal years, the minimum
23 standard for full time specified in paragraph (1) shall be reduced
24 to the number of days of instruction provided by that school district,
25 county office of education, or charter school and the number of
26 hours of instruction equal to the number of days of instruction
27 times six. The minimum standard for full time specified in
28 paragraphs (2) and (3) for that school district, county office of
29 education, or charter school shall be reduced by the same
30 percentage of days and hours the standard specified in paragraph
31 (1) was reduced pursuant to this paragraph.

32 (c) The minimum standard for full time in community colleges
33 is as follows:

34 (1) One hundred seventy-five days per year or 1,050 hours per
35 year, except as provided in paragraphs (2), (3), (4), (5), and (6).
36 Full time includes time for duties the employer requires to be
37 performed as part of the full-time assignment for a particular class
38 of employees.

- 1 (2) One hundred ninety days per year or 1,520 hours per year
2 for all program managers and for administrators, except as provided
3 in paragraph (3).
- 4 (3) Two hundred fifteen days per year or 1,720 hours per year
5 including school and legal holidays pursuant to the policy adopted
6 by the employer’s governing board for administrators at a district
7 office.
- 8 (4) One hundred seventy-five days per year or 1,050 hours per
9 year for all counselors and librarians.
- 10 (5) Five hundred twenty-five instructional hours per school year
11 for all instructors employed on a part-time basis, except instructors
12 specified in paragraph (6). If an instructor receives compensation
13 for office hours pursuant to Article 10 (commencing with Section
14 87880) of Chapter 3 of Part 51 of Division 7 of Title 3, the
15 minimum standard shall be increased appropriately by the number
16 of office hours required annually for the class of employees.
- 17 (6) Eight hundred seventy-five instructional hours per school
18 year for all instructors employed in adult education programs. If
19 an instructor receives compensation for office hours pursuant to
20 Article 10 (commencing with Section 87880) of Chapter 3 of Part
21 51 of Division 7 of Title 3, the minimum standard shall be
22 increased appropriately by the number of office hours required
23 annually for the class of employees.
- 24 (d) The board has final authority to determine full time for
25 purposes of crediting service under this part if full time is not
26 otherwise specified in this section.
- 27 (e) This section shall become operative on July 1, 2013.

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