

AMENDED IN ASSEMBLY MAY 9, 1995
AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1122

Introduced by Assembly Member Cannella

February 23, 1995

An act to amend Sections 22115, ~~22153~~, and 22701 of, to add Sections ~~22138.6~~ 22106.5, 22112.5, 22138.6, and 22175 to, to repeal and add Section 22138.5 to, and to repeal Sections 22116, 22153, and 22702 of, the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1122, as amended, Cannella. School employees: retirement.

The State Teachers' Retirement Law prescribes the method of computing retirement service credit for part-time employment.

This bill would revise those computations, would prescribe the method of computing full-time service, and make related changes. *The provisions would become operative on July 1, 1996.*

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 22106.5 is added to the
2 Education Code, to read:

3 22106.5. “Basis of employment” means the standard
4 of time over which the employer expects service to be
5 performed by an employee in the position during the
6 school year.

7 (a) “Full-time basis” means a basis of employment that
8 is full time.

9 (b) “Part-time basis” means a basis of employment
10 that is less than full time.

11 SEC. 2. Section 22112.5 is added to the Education
12 Code, to read:

13 22112.5. “Class of employees” means a number of
14 employees considered as a group because they are
15 employed to perform similar duties, are employed in the
16 same type of program, or share other similarities related
17 to the nature of the work being performed. In no event
18 shall one employee be considered a class or group.

19 SEC. 3. Section 22115 of the Education Code is
20 amended to read:

21 22115. (a) “Compensation earnable” means the
22 annual compensation that a person would earn if he or she
23 were employed on a full-time basis and worked full time
24 in that position.

25 (b) The board may determine compensation earnable
26 for persons employed on a part-time ~~bases~~ basis.

27 (c) For purposes of determining final compensation
28 for persons employed on a part-time basis, compensation
29 earnable shall be determined by dividing the ~~earned~~
30 ~~salary~~ compensation earned by the service credit.

31 ~~SEC. 2.~~

32 SEC. 4. Section 22116 of the Education Code is
33 repealed.

34 ~~SEC. 3.~~

35 SEC. 5. Section 22138.5 of the Education Code is
36 repealed.

37 ~~SEC. 4.~~



1 SEC. 6. Section 22138.5 is added to the Education
2 Code, to read:

3 22138.5. (a) “Full-time” means the days or hours of
4 creditable service the employer requires to be performed
5 *by a class of employees* in a school year in order to earn
6 the ~~annual~~ compensation *earnable as defined in Section*
7 *22115 and* specified under the terms of ~~the~~ *a collective*
8 *bargaining agreement or* employment agreement. For
9 the purpose of crediting service ~~in the system under this~~
10 *part*, “full time” shall not be less than the minimum
11 standards specified in this section.

12 (b) The minimum standard for full time in
13 kindergarten through grade 12 shall be:

14 (1) One hundred seventy-five days per year or 1,050
15 hours per year except as provided in paragraph (2).

16 (2) (A) *One hundred ninety days per year or 1,520*
17 *hours per year for all program managers and principals,*
18 *and for administrators except as provided in*
19 *subparagraph (B).*

20 (B) Two hundred days per year or ~~1,200~~ *1,600* hours
21 per year for administrators at ~~the district-wide level or a~~
22 county office of education.

23 (c) The minimum standard for full time in community
24 colleges shall be:

25 (1) Thirty teaching units per year of not less than 35
26 weeks in duration for *annual or hourly* employment ~~on an~~
27 ~~annual, or hourly~~ basis; or 175 days per year for *daily*
28 employment ~~on a daily~~ basis. Full time shall include time
29 for duties the employer requires to be performed as part
30 of the full-time assignment in a particular classification,
31 even if that time is not included in the expression of
32 teaching units.

33 (2) One hundred ~~seventy-five~~ *ninety* days per year or
34 ~~1,050~~ *1,520* hours per year for *all program managers and*
35 *for* administrators, except as provided in paragraph (3).

36 (3) Two hundred days per year or ~~1,200~~ *1,600* hours per
37 year for administrators at ~~the district-wide level or county~~
38 ~~office of education~~ *a district office.*

39 (d) The minimum standard for full time in adult
40 education programs in any school district *or community*



1 college district shall be 30 hours per week for 35 weeks per
2 year, or 1,050 hours per year.

3 (e) The board shall have final authority to determine
4 full time for purposes of crediting service under this part
5 if full time is not otherwise specified herein.

6 ~~SEC. 5.~~

7 SEC. 7. Section 22138.6 is added to the Education
8 Code, to read:

9 22138.6. "Full-time equivalent" means the time that
10 a person who is employed on a part-time basis would be
11 required to serve in a school year if he or she were
12 employed full time in that position.

13 ~~SEC. 6. Section 22153 of the Education Code is~~
14 ~~amended to read:~~

15 ~~22153. "Part time basis" means a basis of~~
16 ~~employment that is less than full time.~~

17 ~~SEC. 7.~~

18 SEC. 8. Section 22153 of the Education Code is
19 repealed.

20 ~~22153. "Part time basis with respect to service"~~
21 ~~means a basis of service that is for less time than is~~
22 ~~required of persons serving on a full time day basis even~~
23 ~~though the employee may be subject to call at any time.~~

24 SEC. 9. Section 22175 is added to the Education Code,
25 to read:

26 22175. "Teaching units" means the instructional
27 workload component of a community college instructor's
28 full-time assignment, which may also be expressed by
29 community college districts in other terms such as
30 including, but not limited to, "lecture hour equivalents,"
31 "academic units," "load hours," or "load units."

32 ~~SEC. 8.~~

33 SEC. 10. Section 22701 of the Education Code is
34 amended to read:

35 22701. (a) Service performed prior to July 1, 1972,
36 shall be credited according to the provisions of law in
37 effect at the time service was performed.

38 (b) Service performed on or after July 1, 1972, shall be
39 credited in the proportion the compensation ~~paid~~ earned
40 bears to the compensation earnable.



1 ~~SEC. 9.~~

2 *SEC. 11.* Section 22702 of the Education Code is
3 repealed.

4 *SEC. 12.* *The provisions of this act shall become*
5 *operative on July 1, 1996.*

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