

ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7175

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CATEGORY: **Personnel, Termination**

EFFECTIVE: **1-29-62**

SUBJECT: **Retirement of Employees**

REVISED: **10-21-2002**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing retirement from district employment and to outline conditions under which *retired certificated or classified employees may be hired for temporary work.*
2. **Related Procedures:**
 - Continuation of medical benefits after retirement 7122
 - Retirement credit for unused full-time sick leave 7130

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: I-2700, I-4700, I-6700; Education Code Sections 44907, 45134; Government Code Sections 12942, 20009-21263.5.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division, Office of the Superintendent.
2. **Certificated Employees**
 - a. **Coverage.** Except for exclusions listed below, full-time certificated employees are covered by the California State Teachers' Retirement System (STRS).
 - b. **Qualification for membership**
 - (1) *Full-time certificated employees* qualify for STRS membership as of their first day of employment.
 - (2) *Part-time certificated employees* qualify as of the first workday of the month following the month in which they work 10 days or 60 or more hours in one school district, and may elect membership at their option any time prior to the mandatory membership date.
 - (3) *Day-to-day substitutes* (visiting teachers) automatically become members on the first workday of the month following the month in which they teach 100 days or 600 hours within one school year in one school district. Service performed in any public California school district counts as qualifying service and is accumulative toward mandatory membership.

Substitutes may elect membership at their option any time prior to the mandatory membership date.

c. **Exclusions from membership**

- (1) A part-time certificated employee who is employed full-time elsewhere and is already covered by STRS or PERS.
- (2) A part-time certificated employee who is assigned less than 60 hours each month and is not already an STRS member or who has elected STRS membership on a voluntary basis.
- (3) A *day-to-day substitute* (visiting teacher) teaching less than 101 days in a school year who is not already an STRS member or who has not already elected STRS membership on a voluntary basis.
- (4) A *certificated employee* requiring a health and development credential who is not already an STRS member is excluded from membership if assigned a less than full-time position (a nurse working at least 50 percent of a pay period is not eligible for this exemption, unless already an STRS member).
- (5) An *employee* who at some point in his/her employment had a right of election between State Teachers' Retirement System (STRS) and Public Employees' Retirement System (PERS) and elected PERS.

d. **Voluntary retirement.** STRS members may retire at age 55 with at least five years of credited California service, or at age 50 with 30 or more years of credited service. Prior to age 60, a member who becomes disabled may be eligible for disability allowance if he/she has five or more years of credited California service.

e. **Temporary employment after retirement.** The only restrictions on employment after a service retirement are within the public school system of California. A retired certificated employee may be employed in a *certificated* position as long as the retiree does not exceed the annual earnings limitations established by STRS for a school year. The earnings limitations is adjusted by STRS each July 1 to reflect increases in the California Consumer Price Index. STRS will notify employers and retired members of each year's post-retirement earnings limitation. A retiree's STRS allowance will be reduced by the amount of creditable earnings from public school employment in excess of the limit

established by law. Education Code Section 45134 prohibits employment of a person receiving a retirement allowance from prior school service unless employed in the limited circumstances referenced in that section.

3. **Classified Employees**

- a. **Coverage.** Except for exclusions listed below, full-time classified employees are covered by the California Public Employees' Retirement System (PERS).
- b. **Qualification for membership**
 - (1) *All classified employees* assigned to work four or more hours per day on a monthly basis qualify as of their first day of employment.
 - (2) *Part-time employees* working an average of at least 20 hours per week on an ongoing, long-term or permanent basis. (C.3.c.[4])
- c. **Exclusions from membership**
 - (1) *Student helpers* who attend school within the San Diego Unified School District and are paid at student pay rates.
 - (2) *Employees assigned on a monthly basis* for fewer than an average of 20 hours per week, unless already a member.
 - (3) *Part-time employees* working less than an average of 20 hours per week on a continuous basis, unless already a member.
 - (4) *Seasonal, limited-term, on-call, emergency, intermittent, substitute, or other employees* employed on an irregular basis, unless already a member, *or*
 - (a) Full-time employment is fixed or continues for longer than six months. Membership *shall* be effective on the first day of the seventh month of employment.
 - (b) Employee works more than 125 days or 1,000 hours within a fiscal year (including overtime). Membership *shall* be effective on the first day of the month following the month of completing 125 days or 1,000 hours of employment.

(5) *Employees* who at some point in their employment had a right of election between the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) and elected STRS.

- d. **Voluntary retirement.** A PERS member may retire at age 50 or thereafter, provided the employee has five or more years of credited California service, or at any age if there is an incapacity for duty judged to be of extended and uncertain duration and at least five years of credited California service have been rendered.
- e. **Temporary employment after retirement.** A retired classified employee may be employed in a *classified* position for a period not exceeding 960 hours in a fiscal year, either during an emergency, to prevent work stoppage, or if the retired person has skills which are needed for a short time.

D. IMPLEMENTATION

- 1. **Application for Retirement.** Employee submits retirement/resignation form to his/her supervisor. The supervisor will forward the form to the Human Resource Services Division. Employee should also contact STRS (1-800-228-5453 or www.calstrs.ca.gov) or PERS (1-800-352-2238 or www.calpers.ca.gov) and request the appropriate retirement forms.
- 2. **Work in Temporary Employment After Retirement**
 - a. **Human Resource Services Division** coordinates paperwork required for temporary employment. If there has been a break in district employment exceeding six calendar months, a retired employee shall be required to be re-fingerprinted before beginning temporary employment.
 - b. **Retiree** keeps records of assignments to avoid exceeding time or dollar limits on post-retirement employment.
 - c. **Principal or department head** monitors retiree's work assignments to assure that they meet STRS and PERS regulations.

E. FORMS AND AUXILIARY REFERENCES

- 1. Resignation/Retirement/Separation Notice, used by the Human Resource Services Division

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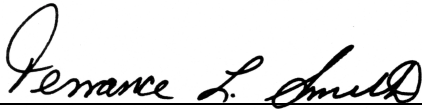
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2. Application for Retirement, Public Employees' Retirement System form, available by contacting PERS at 1-800-352-2238 or downloaded from the PERS web site, www.calpers.ca.gov.
3. Application for Retirement, State Teachers' Retirement System form, available by contacting STRS regional counseling center at 858-292-3565 or downloaded from the STRS web site, www.ca.strs.ca.gov.

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education