

Personnel

POSTRETIREMENT EMPLOYMENT

The Superintendent or designee may utilize retired certificated individuals who possess unique knowledge and experience to perform specialized work of a limited duration.

A retired certificated individual, who is a member of STRS, and retained by the district to perform services pursuant to this administrative regulation, shall not make contributions to the retirement fund or accrue service credit based on compensation earned from program service. (Education Code 24214)

A retired individual retained under this program shall be paid at a rate commensurate with that of other employees performing comparable duties. The retired individual may earn compensation for creditable service up to the limitation specified by law. This limit applies only to earnings for service that would be creditable for State Teachers' Retirement System (STRS) purposes if performed by a current employee. (Education Code 22119.5, 24214, 35046)

Upon retaining the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the earnings limitation set forth in Education Code 24116, 24214, and 24215
2. Maintain accurate records of the retired individual's earnings and report those earnings monthly to the STRS and the individual regardless of the method of payment or the fund from which the payments are made

When retaining a retired individual eligible for any of the exemptions stated below, the Superintendent or designee shall submit all required documentation to substantiate eligibility for the exemption to STRS. (Education Code 24216)

Exemption for Providing Specified Instructional Services

Any retired certificated individual employed by the district shall be exempt from the earnings limitation specified in law for members of STRS provided that the individual retired from service with an effective date on or before January 1, 2006 and is employed to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12

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POSTRETIREMENT EMPLOYMENT (continued)

2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System pursuant to Education Code 44279.1-44279.7

(cf. 4131.1 - Beginning Teacher Support/Induction)

3. Support to individuals completing student teaching assignments

4. Support to individuals participating in a pre-internship teaching program (Education Code 44305-44308), an alternative certification program (Education Code 44380-44386), or a school paraprofessional teacher training program (Education Code 44390-44393)

(cf. 4112.21 - Interns)

(cf. 4222 - Teacher Aides/Paraprofessionals)

5. Instruction and student services provided to students enrolled in special education programs pursuant to Education Code 56000-56885

(cf. 4112.23 - Special Education Staff)

6. Instruction to students enrolled in English language learner programs pursuant to Education Code 400-410 and 430-446

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

7. Direct remedial instruction to students in grades 2-12 for the programs specified in Education Code 37252 and 37252.2

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6179 - Supplemental Instruction)

Retired individuals who are exempt from the limitation on earnings shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service may not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. (Education Code 24216.5, 24216.6)

The compensation for the class of retired individuals shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5, 24216.6)

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Exemption for Emergency Situations or Appointment as a Trustee/Administrator

A retired certificated individual shall be exempt from the postretirement earnings limitation for a maximum period of two years if he/she is appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1, appointed as a trustee pursuant to the Immediate Intervention/Underperforming Schools Program or the High Priority Schools Grant Program, or assigned to a position by the County Superintendent of Schools pursuant to Education Code 42122-42129. (Education Code 24216)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - High Priority Schools Grant Program)

A retired individual shall also be exempt from the postretirement earnings limitation up to an additional one-half of the full-time position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
3. The employment is reported in a public meeting of the Governing Board.

(cf. 9320 - Meetings and Notices)

The above exemptions shall not apply to any individual who has received additional retirement service credit pursuant to Education Code 22715 or 22716. A retiree who has received an additional service credit pursuant to Education Code 22714 or 22714.5 shall be ineligible for the above exemptions for one year from his/her effective date of retirement for service performed in any California district, community college district, or county office of education. (Education Code 24216)

(cf. 4117.13/4317.13 - Early Retirement Option)

Consultancy Contracts

A retired certificated employee serving as a consultant shall be retained as an employee and his/her service shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

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To be eligible for consideration for a consultancy contract, a retired certificated employee must have served the district or the County Superintendent for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

Legal Reference:

EDUCATION CODE

- 400-410 *English language acquisition program*
- 430-446 *English learner and immigrant student federal conformity act*
- 22119.5 *Creditable service, definition*
- 22461 *Notice of earnings limitation*
- 22714 *Encouragement of retirement*
- 22714.5 *2+2 service and year credit option under STRS*
- 22715 *Additional service credit*
- 22716 *Unpaid services*
- 24116 *Service at California State University*
- 24214 *Creditable service by retiree*
- 24215 *Service at California State University*
- 24216 *Payments to retirants in excess of limitation*
- 24216.5 *Exemption from earnings limitation*
- 24216.6 *Exemption from earnings limitation*
- 35046 *Consultancy contracts*
- 37252-37253.5 *Supplemental instruction*
- 41320.1 *Appointment of trustee*
- 42120-42129 *Budget completion*
- 44279.1-44279.7 *Beginning Teacher Support and Assessment System*
- 44305-44308 *Pre-internship teaching program*
- 44380-44386 *Alternative certification program*
- 44390-44393 *School paraprofessional teacher training program*
- 44830 *Employment of certificated employees*
- 44830.3 *Employment of district interns*
- 44929 *Service credit under STRS; additional two years*
- 44929.1 *2+2 service and year credit option under STRS*
- 52053-52055.55 *Immediate Intervention/Underperforming Schools Program*
- 52055.600-52055.662 *High Priority Schools Grant Program*
- 56000-56885 *Special education*

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation

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VISALIA UNIFIED SCHOOL DISTRICT

Visalia, California