

Assembly Bill No. 2155

Passed the Assembly April 28, 2016

Chief Clerk of the Assembly

Passed the Senate August 19, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 22138.5 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2155, Ridley-Thomas. Teachers: retirement: full time.

The Teachers' Retirement Law creates the State Teachers' Retirement System and State Teachers' Retirement Plan for the purpose of providing teachers and other specified employees with financially sound retirement plans, and vests administration of the system and the plan with the Teachers' Retirement Board. That law defines the term "full time" as the days or hours of creditable service an employer requires a class of employees to perform in a school year in order to earn the compensation earnable, as defined, and provides that one measure of the minimum standard for full time in community colleges is 875 instructional hours per school year for all instructors employed in adult education programs. That law requires each collective bargaining agreement or employment agreement that applies to specified members of the system to, among other things, specify the number of hours of creditable service that equals full time for those members.

This bill would additionally require each collective bargaining agreement or employment agreement to specify the courses for which instructors are subject to the 875-hour requirement for any agreement entered into, extended, renewed, or amended on or after January 1, 2017. The bill would also provide that an instructor not subject to the 875-hour requirement is subject to one of two other specified hour requirements.

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

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

22138.5. (a) (1) "Full time" means the days or hours of creditable service the employer requires to be performed by a class of employees in a school year in order to earn the compensation earnable as defined in Section 22115 and specified under the terms

of a collective bargaining agreement or employment agreement. For the purpose of crediting service under this part, “full time” may not be less than the minimum standard specified in this section.

(2) (A) Each collective bargaining agreement or employment agreement that applies to a member subject to the minimum standard specified in either paragraph (5) or (6) of subdivision (c) shall do all of the following:

(i) Specify the number of hours of creditable service that equals “full time” pursuant to this section for each class of employee subject to either paragraph (5) or (6) of subdivision (c).

(ii) Specify the courses for which an instructor is subject to paragraph (6) of subdivision (c), if applicable, for an agreement entered into, extended, renewed, or amended on or after January 1, 2017.

(iii) Make specific reference to this section.

(B) The employer shall submit a copy of the agreement to the system.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Five hundred twenty-five instructional hours per school year for all instructors employed on a part-time basis, except instructors specified in paragraph (6). If an instructor receives compensation for office hours pursuant to Article 10 (commencing with Section 87880) of Chapter 3 of Part 51 of Division 7 of Title 3, the minimum standard shall be increased appropriately by the number of office hours required annually for the class of employees.

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

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

(e) This section shall become operative on July 1, 2013.

Approved _____, 2016

Governor