

Class of Employees

This document provides information about classes of employees for the Defined Benefit Program and Cash Balance Benefit Program pursuant to Education Code section 22112.5 and 26112.5, respectively. References to other Education Code (EDC) sections and the California Code of Regulations (5 CCR) are provided where applicable.

Questions? Contact EmployerTraining@CalSTRS.com or send a secure message in the Secure Employer Website. Please include applicable supporting documentation for review.

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What is a class of employees?

A class of employees is a number of employees considered a group because they are any of the following:

- Employed to perform similar duties.
- Employed in the same type of program.
- Share other similarities related to the nature of the work being performed.

In some cases, a class of employees can consist of only one employee.

Are the duties similar?

A class of employees may be formed if the employees are employed to perform similar duties. These duties are defined in EDC 22119.5 and include activities such as teaching, counseling, librarian, and nursing. For more information, see the [Creditable Service](#) job aid available at employersupport.calstrs.com.

You may also form a class of employees that is comprised of employees whose assignment is a combination of two or more job duties. A common example of this is a split teacher librarian position in which the employees perform the duties of both creditable service activities.

Employees performing similar job duties who are also performing California public school activities that are related to, and an outgrowth of, the instructional and guidance program of the school belong to the class of employees performing the similar job duties, unless they are placed in a separate class based on two or more job duties.

Is it the same type of program?

A class of employees may be formed if the employees are employed in the same type of program. A program is either an educational program established pursuant to state or federal law or established under a Local Control and Accountability Plan pursuant to EDC 52060. A common example of this may be a special education program or regional occupation program.

Are there other similarities related to the nature of the work?

If you have a position that is performing creditable service but cannot be grouped based on their similarity of job duties or the program they are employed in, it is possible they share other similarities related to the nature of the work being performed. Contact us if you have an employee or group of employees you think may fit this description.

Is it a class of one employee?

A class of employees may also be a singular employee, commonly referred to as a “class of one.” You may form a class of one if no other person employed by you performs similar duties, is employed in the same type of program, or shares other similarities related to the nature of the work being performed and that same class is in common use by at least two other employers. A common example of a class of one is a superintendent.

What are the prohibited ways of establishing a class of employee?

There are five specific ways you are prohibited from establishing a class of employees.

1. Based on the benefit structure or retirement program

Examples of this include but are not limited to:

- Creating separate classes of employees based on whether employees are a DB 2% at 60 member or a DB 2% at 62 member.
- Creating separate classes of employees based on whether the employees are a Cash Balance Benefit Program participant or a Defined Benefit Program member.

2. Based on minimum or maximum threshold for age or service credit

Examples of this include but are not limited to:

- Creating a class of employees for those older than 55.
- Creating a class of employees for those with less than five years of service credit.

3. Based on characterization or restructure of compensation

An example of this includes but is not limited to:

- Creating separate classes of employees based on whether the employees cell phone allowance was restructured into their salary or not.

4. Based on the option or requirement for one or more employees who perform similar job duties to work longer or shorter days, or more or fewer days per year.

Examples of this include but are not limited to:

- Creating a separate class of employees based on teachers who elected to teach a zero-period class and those who do not.
- Creating a separate class of employees for new counselors who are required to work an additional day for onboarding.

There is an exception to this in the case of full-time minimum standards for community colleges as defined in EDC 22138.5(c) or those employed in the same type of program as defined in 5 CCR 27300(a)(2).

5. Based on their performance of an outgrowth activity

Remember that outgrowth is not creditable on its own and must be performed in addition to another creditable service activity for the same employer in the same fiscal year to be creditable.

An example of this includes but is not limited to:

- Creating a class of employees for robotics club advisors.