

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
AND  
FOOTHILL-DE ANZA ASSOCIATION of CLASSIFIED EMPLOYEES

This memorandum of understanding is entered into by and between the Foothill-De Anza Community College District ("District") and the Foothill-De Anza Association of Classified Employees ("ACE").

This memorandum serves to clarify the terms and conditions of the participation of eligible classified and classified hourly employees in the voluntary Supplemental Retirement Plan (the "SRP") offered by the District for the 2018-2019 year.

The parties agree that the following shall apply to all classified and classified hourly employees participating in the SRP, subject to final analysis of the actual applications of faculty, classified, and classified hourly employees and upon final approval of the SRP Plan by the Board of Trustees (the "Board"). In the event the Board does not approve the implementation of the SRP, these provisions shall not apply to any person separating from employment during the 2018-2019 year. Further, these provisions shall not apply to any classified or classified hourly employee separating employment during the 2018-2019 year but who are not participating in an approved SRP.

**Eligibility Requirements for Participation in the SRP**

Eligible employees are those regular classified and regular classified hourly employees that are employed for the 2018-19 school year and have at least five years of continuous full-time District service as a regular classified or regular classified hourly employee as of June 28, 2019, or their date of separation, whichever is earlier. Leave of absence, with or without pay, shall not be used to reduce the years of service required for participation.

Participants must meet all other criteria for participation, including age and years of service as defined by the SRP plan, submission of required materials, and resignation from employment not earlier than the date of Board approval to implement the SRP and not later than June 28, 2019, in order to participate in the SRP.

**Irrevocable Resignation**

An eligible classified or classified hourly employee who submits a Letter of Resignation in accordance with the SRP application may rescind such resignation through 5:00p, November 2, 2018. After 5:00p, November 2, 2018 the letter of resignation is irrevocable; except that, if the Board withdraws the SRP, the letter of resignation will be automatically rescinded.

**Staff Development Leave (SDL)**

Classified employee SRP participants shall complete all Staff Development Leave (SDL) activities scheduled and approved for the 2018-2019 year through their date of resignation, including the submission of a SDL report for all activities approved for the applicable months, up to their date of resignation. The SDL Report shall be submitted not later than 30 days following completion of the last month of SDL leave applicable during the 2018-2019 year. Failure to submit a report or to complete approved activities may require repayment to the District for compensation paid to the classified employee while on SDL Leave.

Participants shall not be required to complete any remaining SDL months of leave, and shall not be required to complete any additional return service following their date of resignation.

**Health Benefits Implications**

The parties acknowledge that CalPERS health plan requirements state that plan participants must either be in active status or be an annuitant in PERS or STRS within 120 days of separation. If a classified member participates in the SRP but does not establish annuitant status with PERS or STRS in accordance with CalPERS Health the classified employee will not be able to continue participation in a health plan with CalPERS Health; except that, participants may continue coverage for a limited period of time by meeting the requirements of a qualifying life event under COBRA.

**Health Benefits Coverage**

Classified employee SRP participants who retire from STRS/PERS and meet the eligibility requirements under Article 17 shall be eligible to receive such benefits in accordance with the ACE Agreement.

Classified employees hired before July 1, 1997 who resign and become STRS/PERS annuitants will receive paid benefits in accordance with Article 17. Participants who do not establish PERS/STRS annuitant status but who meet the requirements of Article 17.1.1.3 and qualify as a Pre-97 employee with 20 or more years of service shall continue to be eligible to receive benefits in accordance with Article 17.1.1.3.

Classified employees hired after July 1, 1997 who resign and become STRS/PERS annuitants may receive benefits described in Article 17.1.8, the Bridge Program, which provides a subsidy for qualified retirees until eligibility for Medicare coverage, typically age 65. Under the Bridge program (Article 17.1.8), classified employees who are between age 55 and 65 and have at least 15 years of service to the District are eligible for up to \$400 per month for the retiree as well as \$400 per month for a spouse or qualified domestic partner as reimbursement towards the cost of participation in a CalPERS health benefit plan, until Medicare eligibility.

Classified employees hired after July 1, 1997 who resign and become STRS/PERS annuitants who have not reached age 55 or have fewer than 15 years of service to the district may elect to participate in the CalPERS Health program, at full cost to the retiree.

**In the Event the Board Does Not Approve Implementation of the SRP**

In the event the Board does not approve implementation of the SRP, all applications and accompanying letters of resignation submitted as part of the SRP application shall be automatically rescinded and considered null and void. In the event the letters of resignation are automatically rescinded, a classified employee who wishes to separate from employment shall be required to submit a separate letter of resignation.

October 1, 2018

  
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Foothill-De Anza Community College District

 10-1-18  
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Foothill-De Anza Association of Classified Employees