HOUSE FLOOR AMENDMENTS
2022 Regular Session
Amendments proposed by Representative DeVillier to Engrossed House Bill No. 1021 by Representative McFarland

1 AMENDMENT NO. 1

On page 1, delete lines 2 through 5 in their entirety and insert the following:

"To amend and reenact R.S. 11:710(F)(1) and (G) and R.S. 11:710.1(A) (introductory paragraph) and to enact R.S. 11:710(H), 710.1(F), and 710.2, relative to critical teacher shortages; to provide for employment of retirees of the Teachers' Retirement System of Louisiana; to allow a retiree to return to work without suspension or reduction of benefit in certain circumstances; to provide for application; to provide for determinations and reporting; to provide for an effective date; and to provide for related matters."

2 AMENDMENT NO. 2

On page 1, delete lines 10 through 19 in their entirety and delete page 2 in its entirety and insert the following:

Section 1. R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S. 11:710.1(A) (introductory paragraph) are hereby amended and reenacted and R.S. 11:710(H), 710.1(F), and 710.2 are hereby enacted to read as follows:

§710. Employment of retirees on or before June 30, 2020

F.(1)(a) A retiree who is employed in a critical shortage position shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the Board of Elementary and Secondary Education and the board of trustees of this system have received certification that a critical shortage exists. Prior to making such certification for any full-time critical shortage position, the employer shall cause to be advertised in the official journal of the employer's governing authority, on two separate occasions, notice that a shortage of certified teachers exists and the positions sought to be filled. Additionally, the employer shall cause notice to be posted at the career development office, or similar such entity, of every post-secondary institution within a one hundred twenty-mile radius of the employer's governing authority. If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed, unless fewer than three applicants have applied for the position each of whom is certified in the critical shortage area being filled.

(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph, for any position sought to be filled before July 1, 2025, by employment of a retiree, the advertising and posting requirements of Subparagraph (a) of this Paragraph shall be considered fulfilled if the employer complies with all of the following:

(i) Posts with the designated career development entities of the postsecondary institutions within a one hundred twenty-mile radius of the employer's governing authority at the beginning of each semester a general statement that the employer is soliciting applications for future employment of certified teachers.

(ii) Advertises at least once per month in the official journal of the employer's governing authority that the employer is soliciting applications for future employment of certified teachers.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(iii) Prominently displays a listing of positions that are unfilled or that are
filled by reemployed retirees on the website of the employer's governing authority
and of the employer, if the employer maintains a separate website.

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G.(1) The provisions of this Subsection shall apply to any retiree of the
retirement system who meets all the following criteria:

(a) He has been retired for at least twelve months.
(b) He did not retire based on a disability.
(c) He has at least thirty years of creditable service in the retirement system.
(d) He has attained at least age sixty-two.

(2) If a teacher who is not a retiree of this retirement system and who is
certified in one or more areas listed in Paragraph (2) of this Subsection applies for
a position in the area of certification filled at the time by a retiree reemployed under
the provisions of this Subsection, that teacher shall be employed to replace the retiree
beginning at the start of the next grading period.

(3) The provisions of this Subsection shall not apply to anyone reemployed
by contract or corporate contract.

(4) The provisions of this Subsection shall terminate July 1, 2025.

H. Notwithstanding any other provision of law to the contrary, the provisions
of this Section shall be applicable only to a retiree who returns to active service with
an employer covered by the provisions of this Chapter retired on or before June 30,
2020, and any retiree covered under Subparagraph (A)(6)(a) of this Section.

§710.1. Employment of retirees on or after July 1, 2020

A. Except as otherwise provided in this Section, any retiree who returns to
active service with an employer covered by the provisions of this Chapter and who
retired on or after July 1, 2020, shall for that period of employment choose one of the
following irrevocable options, which shall be made in writing and filed with the
appropriate officer of the employer:

* * * *

F. Any retiree who retired on or before June 30, 2020, and who returned to
active service under the provisions of this Section may elect to be reemployed
pursuant to the provisions of R.S. 11:710. The retiree shall submit to his employer
a form provided by the system noting his decision to have his reemployment covered
by the provisions of R.S. 11:710. After the termination of R.S. 11:710(G), the retiree
may elect to be covered by the provisions of this Section as provided in subsection
B of this Section. Any retiree who elects to be reemployed pursuant to the provisions
of R.S. 11:710 and who subsequently elects to be covered by the provisions of this
Section as provided in Subsection B of this Section shall thereafter be covered
exclusively by the provisions of this Section.

§710.2. Employment of retirees; postsecondary institution critical shortages

A. The provisions of this Section shall apply to any retiree of the retirement
system who meets all of the following criteria:

(1) The retiree has been retired for at least twelve months.
(2) He did not retire based on a disability.
(3) He has at least thirty years of creditable service in the retirement system.
(4) He has attained at least age sixty-two.
(5) He is being employed to fill a position for an adjunct professor as defined
in R.S. 11:710 and assigned the professional activities of instructing pupils in a
nursing program at a public postsecondary education institution where a critical
shortage exists.

B. A retiree to whom this Section applies shall not receive a benefit during
the period of his reemployment as provided in this Section unless and until the
institution's postsecondary education management board, the Board of Regents, and
the board of trustees of the retirement system have received certification that a
critical shortage exists. Prior to making such certification, the institution shall
comply with the provisions of Subsection C of this Section.

C. In order to declare the existence of a critical shortage, a public
postsecondary education institution shall cause to be prominently displayed a listing
of positions to which this Section applies that are unfilled or that are filled by
reemployed retirees on the websites of the institution, of the institution’s
management board, and of the Board of Regents.

D. During the period of his return to active service, the retiree and his
employer institution shall make contributions to the retirement system as otherwise
provided by law, but the retiree shall receive no additional service credit and shall
not accrue any additional retirement benefits in the retirement system. Upon
termination of active service, the retiree shall, upon application, be refunded the
employee contributions paid since reemployment. The refund shall be without
interest. The retirement system shall retain the employer contributions.

E. When any retiree covered by this Section returns to active service with an
employer institution covered by the provisions of this Chapter, the employing
institution shall, within thirty days thereafter, notify the board of trustees in writing
of such employment and the date on which employment commenced. Upon
termination, the institution shall provide the same notice. In addition, the employing
institution shall also report to the retirement system withing forty-five days after
June thirtieth of each year, the names of all persons being paid by the employing
institution and all persons having received a benefit pursuant to the provisions of
this Section, along with such individuals’ social security numbers, their positions,
their designations as part-time or full-time, and the amount of their earnings during
the previous fiscal year ending on June thirtieth of the reporting year. Additionally,
the employing institution shall transmit a monthly contributions report pursuant to
R.S. 11:888(A). such monthly reports shall be transmitted within thirty days of the
last day of each month and shall include the salary paid to each individual retiree
reemployed under this Section. Should failure to give notice of return to active
service or failure to report any other information required by this Section result in
any payment being made in violation of this Section, the employing institution shall
be liable to the system for the repayment of such amounts.

F. The provisions of this Section shall not apply to anyone reemployed by
contract or corporate contract.

G. The provisions of this Section shall terminate July 1, 2025.

Section 2. The cost of this Act, if any, shall be funded with additional
employer contributions in compliance with Article X, Section 29(F) of the
Constitution of Louisiana.

Section 3. The Department of Education shall undertake a study to determine
whether the critical shortages suffered by schools participating in the Teachers'
Retirement System of Louisiana are suffered to the same degree by schools that are
not participating employers of the system. The department shall ascertain the causes
of the shortages, and, if the shortages are not substantially the same, the department
shall ascertain the reasons for the disparity. In either case, the department shall
propose policy changes that will reduce or eliminate the shortages in both the long
and short term. The department shall submit its findings and proposed policy
changes to the House and Senate committees on retirement and House and Senate
committees on education by January 20, 2023.

Section 4. This Act shall become effective if and when the Act which originated as
Senate Bill No. 377 of this 2022 Regular Session of the Legislature becomes effective.