

2018 Regular Session

HOUSE BILL NO. 8

BY REPRESENTATIVE IVEY

RETIREMENT/CLERKS COURT: Provides relative to the reemployment of retirees of the Clerks' of Court Retirement and Relief Fund

1 AN ACT

2 To amend and reenact R.S. 11:1513(A) and (B) and to repeal R.S. 11:1513(C) and (D),
3 relative to the reemployment of retirees of the Clerks' of Court Retirement and Relief
4 Fund; to provide for the number of hours a retiree may be reemployed without
5 benefit reduction; to require payment of employer contributions during
6 reemployment; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article X, Section 29(C) of the Constitution
9 of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:1513(A) and (B) are hereby amended and reenacted to read as
12 follows:

13 §1513. Reemployment of a retiree

14 A. ~~Except as provided in Subsection B of this Section, a~~ A retiree receiving
15 retirement benefits from the system may be temporarily reemployed by a clerk, but
16 the retiree shall not be or become a member of the system during such
17 reemployment. If the retiree is reemployed in any capacity for more than ~~sixty~~
18 ~~working days, or the equivalent thereof,~~ six hundred thirty hours during any calendar
19 year, the benefits payable to the retiree shall be reduced by the amount he earned
20 after ~~sixty working days, or the equivalent thereof~~ six hundred thirty hours during

1 that calendar year. The retiree and the clerk shall immediately notify the board of
2 the date of reemployment, the amount of salary paid, any changes in salary, the
3 number of hours employed per week, the estimated duration of reemployment, and
4 the date of the termination of the reemployment. If the retiree dies during
5 reemployment, benefits shall be paid to any other person as if death occurred
6 regardless of reemployment pursuant to any option which may have been selected
7 by the retiree at the time of retirement.

8 B. ~~(1) A retiree who has terminated employment and was receiving~~
9 ~~retirement benefits from the system on January 1, 2007, may be temporarily~~
10 ~~reemployed by a clerk whose office is located in a parish designated under the~~
11 ~~Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for~~
12 ~~individual assistance, or individual assistance and public assistance following~~
13 ~~hurricane Katrina or Rita; however, the retiree shall not be or become a member of~~
14 ~~the system during such reemployment. If the retiree is reemployed by such a clerk~~
15 ~~in any capacity for more than one hundred eighty working days, or the equivalent~~
16 ~~thereof, during any calendar year, the benefits payable to the retiree shall be reduced~~
17 ~~by the amount he earned after one hundred eighty working days, or the equivalent~~
18 ~~thereof. The retiree and the clerk shall immediately notify the board of the date of~~
19 ~~reemployment, the amount of salary paid, any changes in salary, the number of hours~~
20 ~~employed per week, the estimated duration of reemployment, and the date of the~~
21 ~~termination of the reemployment. If the retiree dies during reemployment, benefits~~
22 ~~shall be paid to any other person as if death occurred regardless of reemployment~~
23 ~~pursuant to any option which may have been selected by the retiree at the time of~~
24 ~~retirement.~~

25 ~~(2) Except as provided in Subsection C of this Section regarding certain~~
26 ~~retirees reemployed by the clerk of the Orleans Parish Civil District Court, the~~
27 ~~provisions of Paragraph (1) of this Subsection shall expire on July 1, 2012, and~~
28 ~~thereafter shall be null and void and of no effect.~~

1 During any period of reemployment after June 30, 2018, whether or not the
 2 person is an employee as defined in this Chapter, the employer shall make employer
 3 contributions to the retirement system as provided by this Chapter, but the retiree
 4 shall receive no additional service credit and shall not accrue any additional
 5 retirement benefit in the retirement system. Upon termination of reemployment, the
 6 system shall retain the employer contributions and interest on such contributions.

7 Section 2. R.S. 11:1513(C) and (D) are hereby repealed in their entirety.

8 Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor
 9 and subsequently approved by the legislature, this Act shall become effective on July 1,
 10 2018, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 8 Engrossed

2018 Regular Session

Ivey

Abstract: Requires the payment of employer contributions for all retirees who return to work in a position covered by the Clerks' of Court Retirement and Relief Fund (the system) and extends the time period during which a retiree may return to work without benefit reduction.

Present law allows retirees of the system to be temporarily reemployed by a clerk without becoming a member of the system during such reemployment. Present law further provides that if the retiree is reemployed in any capacity for more than the equivalent of 60 working days during any calendar year, the retirement benefits shall be reduced by the amount he earned after 60 working days. Proposed law increases the time period that a retiree may work during a calendar year without benefit reduction from 60 working days to 630 hours.

Present law requires that employers remit employer contributions to the system while the member is an active member. Proposed law requires that employers pay employer contributions to the system as provided by present law during any period of reemployment on or after June 30, 2018. Proposed law applies to retirees who return to work in part-time or full-time positions. Upon termination of reemployment, proposed law provides for the system to retain the employer contributions and interest on such contributions.

Present law provides that a retiree who was receiving retirement benefits from the system on Jan. 1, 2007, may be reemployed by a clerk whose office is located in a parish designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for individual assistance or individual and public assistance following hurricane Katrina or Rita without benefit reduction for up to 180 working days. Present law provides that such provision, except as it applies to retirees reemployed by the clerk of the Orleans Parish Civil District Court, expired on July 1, 2012. Present law further provides for temporary reemployment of a retiree employed by the clerk of the Orleans Parish Civil District Court

on or before June 30, 2012, under the same conditions. Present law provides that such provision expired on July 1, 2013. Proposed law repeals present law.

Present law provides that a retiree who was receiving retirement benefits from the system on Jan. 1, 2007, and who is temporarily reemployed by the Orleans Parish Civil District Court on or before June 30, 2012, may work for a period of 90 working days during a calendar year. Present law provides that such provision expired on July 1, 2014. Proposed law repeals present law.

Effective July 1, 2018.

(Amends R.S. 11:1513(A) and (B); Repeals R.S. 11:1513(C) and (D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Change reemployment period provided by proposed law from 90 days to 630 hours.