

2022 Regular Session

SENATE BILL NO. 425

BY SENATOR WARD

TEACHERS RETIREMENT. Provides for reemployment of retirees to address certain critical teacher shortages. (2/3 - CA10s29(E)) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 11:710(F)(1) and (G) and the introductory paragraph of 710.1(A)

3 and to enact R.S. 11:710.1(F), relative to critical teacher shortages; to provide for

4 reemployment of retirees of the Teachers' Retirement System of Louisiana; to

5 provide relative to benefit suspension; to provide for applicability; to provide an

6 alternative critical shortage certification process; to provide for an effective date; and

7 to provide for related matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:710(F)(1) and (G) and the introductory paragraph of 710.1(A) are

11 hereby amended and reenacted and R.S. 11:710.1(F) is hereby enacted to read as follows:

12 §710. Employment of retirees

13 * * *

14 F.(1)(a) A retiree who is employed in a critical shortage position shall not

15 receive a benefit during the period of his reemployment as provided in this Section

16 unless and until the Board of Elementary and Secondary Education and the board of

17 trustees of this system have received certification that a critical shortage exists. Prior

1 to making such certification for any full-time critical shortage position, the employer
 2 shall cause to be advertised in the official journal of the employer's governing
 3 authority, on two separate occasions, notice that a shortage of certified teachers
 4 exists and the positions sought to be filled. Additionally, the employer shall cause
 5 notice to be posted at the career development office, or similar such entity, of every
 6 post-secondary institution within a one hundred twenty-mile radius of the employer's
 7 governing authority. If a certified applicant who is not a retiree applies for an
 8 advertised position, such person shall be hired before any certified retiree is
 9 employed, unless fewer than three applicants have applied for the position each of
 10 whom is certified ~~in the critical shortage area being filled.~~

11 **(b) Notwithstanding any provision of Subparagraph (a) of this**
 12 **Paragraph to the contrary, for any position sought to be filled before July 1,**
 13 **2025, by employment of a retiree, the advertising and posting requirements of**
 14 **Subparagraph (a) of this Paragraph shall be considered fulfilled if the employer**
 15 **complies with all of the following:**

16 **(i) Posts with the designated career development entities at the**
 17 **beginning of each semester a general statement that the employer is soliciting**
 18 **applications for future employment of certified teachers.**

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

22 **(iii) Prominently displays a listing of positions that are unfilled or that**
 23 **are filled by reemployed retirees on the website of the employer's governing**
 24 **authority and of the employer, if the employer maintains a separate website.**

25 * * *

26 G. Notwithstanding any other provision of law to the contrary, the provisions
 27 of this Section shall be applicable only to a retiree who ~~returns to active service with~~
 28 ~~an employer covered by the provisions of this Chapter~~ **retired** on or before June 30,
 29 2020, and any retiree covered under Subparagraph (A)(6)(a) of this Section.

- (1) He retired on or before June 30, 2010, OR retired after that date and returned to a Teachers'-covered position on or before June 30, 2020.
- (2) He is employed to fill a position certified as a critical shortage position.
- (3) He is certified to teach in the critical shortage area.

Present law, applicable to anyone who retired after June 30, 2010, and who first returned to work in a Teachers'-covered position after June 30, 2020, does not contain a critical shortage provision.

Present law provides a process by which an employer certifies that a critical shortage exists. Requires the employer to advertise twice in the locality's official journal and to post notice at each post-secondary institution within a 120-mile radius of the employer's governing authority.

Proposed law generally retains present law. Proposed law additionally:

- (1) Applies present critical shortage law to any certified retiree, not just to one certified in the critical shortage area.
- (2) Allows anyone who retired before July 1, 2020, to be rehired under present critical shortage law.
- (3) Until July 1, 2025, allows the employer to fulfill the advertising and posting requirements of present law by (a) posting notice each semester at the specified post-secondary institutions and advertising monthly in the official journal that the employer is soliciting applications for future employment of certified teachers and (b) prominently displaying a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.

Proposed law provides that any cost of proposed law shall be funded with increased employer contributions in compliance with provisions of present constitution.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 11:710(F)(1) and (G) and 710.1(A)(intro para); adds R.S. 11:710.1(F))