

**SENATE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by Senate Committee on Retirement to Reengrossed House Bill No. 1021 by Representative McFarland

AMENDMENT NO. 1

On page 1, line 2, change "11:710(F)(1)" to "11:710(A)(3), (F)(1),"

AMENDMENT NO. 2

On page 1, delete line 13, and insert:

"Section 1. R.S. 11:710(A)(3), (F)(1), and (G) and R.S."

AMENDMENT NO. 3

On page 1, between lines 16 and 17, insert:

"A. As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

\* \* \*

(3) "Critical shortage" means any situation in which the employer has advertised and posted ~~notice of positions to be filled~~ a solicitation for certified teachers, has listed on the specified websites the positions that are unfilled or filled by reemployed retirees, and has received fewer than three certified applicants as provided in Subsection F of this Section."

AMENDMENT NO. 4

Delete page 2 and on page 3, delete lines 1 through 12 and insert the following:

"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~~ satisfy the requirements of Subparagraph (b) of this Paragraph. 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) For any position sought to be filled by employment of a retiree, the employer may certify the existence of a critical shortage only after complying with all of the following requirements:

(i) Posting with the career development office, or similar such entity, of every postsecondary education institution 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) Advertising 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.

(iii) Prominently displaying a listing of positions that are unfilled or that are filled by reemployed retirees, including those positions filled under the provisions of Subsection G of this Section, on the website of the employer's governing authority and of the employer, if the employer maintains a separate website.

\* \* \*

1 G.(1) A retiree of this system who has been retired for at least twelve months and  
2 who did not retire based on a disability may be directly reemployed without suspension or  
3 reduction in benefit if either of the following apply:

4 (a) The retiree is certified to teach mathematics, science, English language arts, or  
5 special education excluding gifted and talented and is reemployed to fill a position in the  
6 area of certification.

7 (b) The retiree is certified, has at least thirty years of creditable service, has attained  
8 at least age sixty-two, and is reemployed to fill a vacancy created because a teacher is on  
9 maternity leave pursuant to R.S. 17:1211, military leave pursuant to R.S. 17:1215, sabbatical  
10 leave pursuant to R.S. 17:1171, or extended sick leave pursuant to R.S. 17:1202.

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

13 (3) If a teacher who is not a retiree of this retirement system and who is certified in  
14 one of the areas listed in Paragraph (1) of this Subsection applies for a position in the area  
15 of certification filled at that time by a retiree reemployed under the provisions of this  
16 Subsection, that nonretiree shall be employed to replace the retiree at the start of the next  
17 grading period.

18 (4) The provisions of this Subsection shall terminate July 1, 2027."

19 AMENDMENT NO. 5

20 On page 3, line 16, after "2020" delete ","

21 AMENDMENT NO. 6

22 On page 3, line 29, change "subsection" to "Subsection"

23 AMENDMENT NO. 7

24 On page 4, line 7, after "system" and before "who" insert "who retired on or before June 30,  
25 2020, and"

26 AMENDMENT NO. 8

27 On page 5, line 17, change "such" to "Such"

28 AMENDMENT NO. 9

29 On page 5, line 25, change "2025" to "2027"

30 AMENDMENT NO. 10

31 On page 6, line 1, after "by" and before "schools" insert "public"

32 AMENDMENT NO. 11

33 On page 6, line 5, after "term" and before "." insert "without employment of retirees"

34 AMENDMENT NO. 12

35 On page 6, delete lines 8 and 9 and insert:

36 "Section 4. The provisions of Sections 1 and 2 of this Act shall become effective  
37 when the Act which originated as Senate Bill No. 377 of the 2022 Regular Session of the  
38 Legislature becomes effective.

39 Section 5. The provisions of Sections 3 and 4 and of this Section of this Act shall  
40 become effective upon signature by the governor or, if not signed by the governor, upon  
41 expiration of the time for bills to become law without signature by the governor, as provided  
42 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and  
43 subsequently approved by the legislature, this Act shall become effective on the day  
44 following such approval."