

DIGEST

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SB 20 Reengrossed

2015 Regular Session

Long

Present law, with certain exceptions, requires benefits of a retiree reemployed in a position covered by the Teachers' Retirement System of Louisiana (TRSL) to be suspended for the duration of such reemployment. Further provides that for retirees who qualify to return to work exceptions pursuant to present law, benefits shall be fully suspended for the first 12 months following retirement regardless of retirement date, position filled, or credentials held. After this 12-month period terminates, such retirees are eligible to receive their benefit check while receiving a salary for reemployment.

Proposed law retains present law and authorizes additional retirees to avoid suspension of their benefits while reemployed.

Present law provides that after the 12-month mandatory suspension period, there shall be no further suspension of benefits for:

- (1) Retirees who return to active service on or before June 30, 2010.
- (2) Retirees who retired on or after May 1, 2009, and on or before June 30, 2010, who return to active service in a TRSL-covered position requiring a valid Louisiana teaching certificate or valid Louisiana ancillary certificate.
- (3) Retirees holding advanced degrees in speech therapy, speech pathology or audiology.

Proposed law retains present law for retirees holding advanced degrees in speech therapy, speech pathology or audiology. Proposed law further provides that any member who retired on or before June 30, 2010, shall have no suspension of benefits during his reemployment period following the first 12 months of retirement regardless of when he returned to active service or whether the position requires a certificate. Defines these retirees as "reemployment-eligible retirees".

Present law provides that, following the 12-month mandatory suspension period, a full-time certified speech therapist, speech pathologist, or audiologist in a position requiring a valid La. ancillary certificate shall have no further suspension of benefits during his reemployment period when a critical shortage has been certified as provided in present law. Provides that, following the 12-month mandatory suspension period, full-time or part-time classroom teachers reemployed in a school where a critical shortage has been certified as provided in present law, shall have no further suspension of benefits.

Proposed law retains present law and adds school social workers, school counselors, and educational diagnosticians to the list of positions covered by present law. Defines these positions as "reemployment-eligible critical shortage positions".

Present law requires certification of critical shortage areas. Prohibits any retiree hired in an eligible reemployment position to receive his benefit until the superintendent and personnel director of his employing school have certified to the State Board of Elementary and Secondary Education (BESE) and the board of trustees of TRSL that a critical shortage of teachers exists in the area in which the retiree was hired to teach. Prior to making such certification, the employer must advertise on two separate occasions in the official journal for the area a notice that a shortage exists and the positions sought to be filled.

Proposed law retains present law and further requires employers to post openings at career development offices or similar entities and in every postsecondary institution within a 120 mile radius of the employer's governing authority. Further requires certification annually that a critical shortage exists.

Present law provides that, after the 12-month mandatory suspension period, a retiree who returns to work in any of the following TRSL-covered positions is subject to a salary cap of 25% of his annual benefit amount:

- (1) Substitute classroom teachers.
- (2) Adult education or literacy instructors.
- (3) Adjunct professors.

Proposed law retains present law and defines these positions as "reemployment-eligible positions".

Present law defines "classroom teacher" as an employee whose position of employment requires a valid La. teaching certificate and who is assigned the professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept. Proposed law includes in the definition of "classroom teacher" employees assigned to proctor admission, evaluation, or assessment testing. Further adds test proctoring to the list of duties a substitute classroom teacher may perform.

Present law provides that the earnings limitations shall not apply to any retiree reemployed in a part-time position with the La. High School Athletic Assoc. on June 27, 2003. Proposed law repeals present law due to obsolescence.

Effective June 30, 2015.

(Amends R.S. 11:710)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Retirement to the original bill

1. Define "classroom teacher" to include employees assigned to proctor admission, evaluation, or assessment testing.
2. Specify that such proctoring shall not be considered a subject area for the purposes of critical shortage.
3. Add test proctoring to the list of duties a substitute classroom teacher may perform.

Senate Floor Amendments to engrossed bill

1. Add school social workers to the list of critical shortage positions.
2. Require employer to post openings at career development office or a similar entity, and in every postsecondary institution within a one hundred twenty-mile radius of the employer's governing authority.
3. Require certification that a critical shortage exists on an annual basis.
4. Make technical changes.

Summary of Amendments Adopted by House

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

1. Add educational diagnosticians to the list of critical shortage positions.