## SLS 22RS-213

#### ORIGINAL

2022 Regular Session

SENATE BILL NO. 434

BY SENATOR FIELDS

TEACHERS RETIREMENT. Provides relative to the reemployment of retirees to meet critical shortage needs. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S.
3	11:710.1(A) and to enact R.S. 11:710(H) and 710.1(F), relative to critical teacher
4	shortages; to provide for employment of retirees of the Teachers' Retirement System
5	of Louisiana; to allow a retiree to return to work without suspension or reduction of
6	benefit in certain circumstances; to provide for application; to provide for
7	determinations and reporting; to provide for an effective date; and to provide for
8	related matters.
9	Notice of intention to introduce this Act has been published.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S.
12	11:710.1(A) are hereby amended and reenacted and R.S. 11:710(H) and 710.1(F) are hereby
13	enacted to read as follows:
14	§710. Employment of retirees
15	* * *
16	F.(1) A retiree who is employed in a critical shortage position shall not
17	receive a benefit during the period of his reemployment as provided in this Section

Page 1 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

# ORIGINAL SB NO. 434

1	unless and until the Board of Elementary and Secondary Education and the board of
2	trustees of this system have received certification that a critical shortage exists. Prior
3	to making such certification for any full-time critical shortage position, the employer
4	shall cause to be advertised in the official journal of the employer's governing
5	authority, on two separate occasions, notice that a shortage of certified teachers
6	exists and the positions sought to be filled. Additionally, the employer shall cause
7	notice to be posted at the career development office, or similar such entity, of every
8	post-secondary institution within a one hundred twenty-mile radius of the employer's
9	governing authority. If a certified applicant who is not a retiree applies for an
10	advertised position, such person shall be hired before any certified retiree is
11	employed, unless fewer than three applicants have applied for the position each of
12	whom is certified in the critical shortage area being filled.
13	* * *
14	G.(1) Regardless of retirement date or previous reemployment, a retiree
15	of this system who has been retired for at least twelve months and who did not
16	retire based on a disability may be directly reemployed without suspension or
17	reduction in benefit if either of the following apply:
18	(a) The retiree is certified to teach mathematics, science, English
19	language arts, or special education excluding gifted and talented and is
20	reemployed to fill a position in the area of certification.
21	(b) The retiree is reemployed to fill a vacancy created because a teacher
22	is on maternity leave pursuant to R.S. 17:1211, military leave pursuant to R.S.
23	17:1215, sabbatical leave pursuant to R.S. 17:1171, or extended sick leave
24	pursuant to R.S. 17:1202.
25	(2) The provisions of this Subsection shall not apply to anyone
26	reemployed by contract or corporate contract and shall terminate June 30,
27	<u>2025.</u>
28	<b><u>H</u></b> . Notwithstanding any other provision of law to the contrary, the provisions
29	of this Section shall be applicable only to a retiree who returns to active service with

Page 2 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

#### ORIGINAL SB NO. 434

1	an employer covered by the provisions of this Chapter retired on or before June 30,
2	2020, and any retiree covered under Subparagraph (A)(6)(a) of this Section.
3	§710.1. Employment of retirees on or after July 1, 2020
4	A. Except as otherwise provided in this Section, any retiree who returns to
5	active service with an employer covered by the provisions of this Chapter and who
6	retired on or after July 1, 2020, shall for that period of employment choose one of
7	the following irrevocable options, which shall be made in writing and filed with the
8	appropriate officer of the employer:
9	* * *
10	F. Any retiree who retired on or before June 30, 2020, and who returned
11	to active service under the provisions of this Section may elect to be reemployed
12	pursuant to the provisions of R.S. 11:710. The retiree shall submit to his
13	employer a form provided by the system noting his decision to have his
14	reemployment covered by the provisions of R.S. 11:710. After the termination
15	of R.S. 11:710(G), the retiree may elect to be covered by the provisions of this
16	Section as provided in Subsection B of this Section.
17	Section 2. The cost of Section 1 of this Act, if any, shall be funded with additional
18	employer contributions in compliance with Article X, Section 29(F) of the Constitution of
19	Louisiana.
20	Section 3. The Department of Education shall undertake a study to determine
21	whether the critical shortages suffered by schools participating in the Teachers' Retirement
22	System of Louisiana are suffered to the same degree by schools that are not participating
23	employers of the system. The department shall ascertain the causes of the shortages, and, if
24	the shortages are not substantially the same, the department shall ascertain the reasons for
25	the disparity. In either case, the department shall propose policy changes that will reduce or
26	eliminate the shortages in both the long and short term. The department shall submit its
27	findings and proposed policy changes to the House and Senate committees on retirement and
28	the House and Senate committees on education by January 20, 2023.
29	Section 4. This Act shall become effective upon signature by the governor or, if not

Page 3 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. SB 434 Original

- 1 signed by the governor, upon expiration of the time for bills to become law without signature
- 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
- 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by LG Sullivan.

#### DIGEST 2022 Regular Session

Fields

<u>Present law</u> governs the payment of benefits to retirees of the Teachers' Retirement System of Louisiana (Teachers') including retirees who return to work in positions covered by the retirement system. <u>Present law</u> generally requires payment of a retiree's benefit to be suspended for the duration of reemployment with some exceptions. Requires suspension of benefit without exception for any reemployment within the first 12 months of retirement. Requires payment of employee contributions during reemployment. Provides for refund of employee contributions without interest after the reemployment ends.

Proposed law retains present law.

One <u>present law</u> exception (commonly referred to as "critical shortage") allows the receipt of retirement benefits without suspension for the duration of reemployment if all of the following apply to the retiree:

- (1) He retired on or before June 30, 2010, <u>OR</u> 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 critical shortage law requires the employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage.

<u>Present law</u> is 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.

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 June 30, 2025, allows an employer to hire a retiree certified in math, science, English language arts, or special ed excluding gifted and talented to fill a position in the certified area without complying with the advertising and posting requirements in present law.
- (4) Requires the Dept. of Education to determine whether non-Teachers' schools are having the same critical shortage issues, to find the reasons for the shortages and for

### Page 4 of 5

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

any disparity if those non-Teachers' schools are not having shortages, and to propose policy changes that will reduce or eliminate the shortages. Requires a report of findings and proposals by Jan. 20, 2023.

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(H) and 710.1(F))