

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)

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AN ACT

To amend and reenact R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S. 11:710.1(A) and to enact R.S. 11:710(H) and 710.1(F), relative to critical teacher shortages; to provide for employment of retirees of the Teachers' Retirement System of Louisiana; to allow a retiree to return to work without suspension or reduction of benefit in certain circumstances; to provide for application; to provide for determinations and reporting; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S. 11:710.1(A) are hereby amended and reenacted and R.S. 11:710(H) and 710.1(F) are hereby enacted to read as follows:

§710. Employment of retirees

* * *

F.(1) A retiree who is employed in a critical shortage position shall not receive a benefit during the period of his reemployment as provided in this Section

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 **2025.**

28 **H.** 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~~

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

SB 434 Original

2022 Regular Session

Fields

Present law 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. Present law 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 employer and employee contributions during reemployment. Provides for refund of employee contributions without interest after the reemployment ends.

Proposed law retains present law.

One present law 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, 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 critical shortage law requires the employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage.

Present law 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

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))