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HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representative DeVillier to Engrossed House Bill No. 1021 by Representative McFarland

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 5 in their entirety and insert the following:

3 "To amend and reenact R.S. 11:710(F)(1) and (G) and R.S. 11:710.1(A) (introductory
4 paragraph) and to enact R.S. 11:710(H), 710.1(F), and 710.2, relative to critical teacher
5 shortages; to provide for employment of retirees of the Teachers' Retirement System of
6 Louisiana; to allow a retiree to return to work without suspension or reduction of benefit in
7 certain circumstances; to provide for application; to provide for determinations and
8 reporting; to provide for an effective date; and to provide for related matters."

9 AMENDMENT NO. 2

10 On page 1, delete lines 10 through 19 in their entirety and delete page 2 in its entirety and
11 insert the following:

12 Section 1. R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S.
13 11:710.1(A)(introductory paragraph) are hereby amended and reenacted and R.S. 11:710(H),
14 710.1(F), and 710.2 are hereby enacted to read as follows:

15 §710. Employment of retirees on or before June 30, 2020

16 * * *

17 F.(1)(a) A retiree who is employed in a critical shortage position shall not
18 receive a benefit during the period of his reemployment as provided in this Section
19 unless and until the Board of Elementary and Secondary Education and the board of
20 trustees of this system have received certification that a critical shortage exists. Prior
21 to making such certification for any full-time critical shortage position, the employer
22 shall cause to be advertised in the official journal of the employer's governing
23 authority, on two separate occasions, notice that a shortage of certified teachers
24 exists and the positions sought to be filled. Additionally, the employer shall cause
25 notice to be posted at the career development office, or similar such entity, of every
26 post-secondary institution within a one hundred twenty-mile radius of the employer's
27 governing authority. If a certified applicant who is not a retiree applies for an
28 advertised position, such person shall be hired before any certified retiree is
29 employed, unless fewer than three applicants have applied for the position each of
30 whom is certified ~~in the critical shortage area being filled.~~

31 (b) Notwithstanding any provision of Subparagraph (a) of this Paragraph, for
32 any position sought to be filled before July 1, 2025, by employment of a retiree, the
33 advertising and posting requirements of Subparagraph (a) of this Paragraph shall be
34 considered fulfilled if the employer complies with all of the following:

35 (i) Posts with the designated career development entities of the postsecondary
36 institutions within a one hundred twenty-mile radius of the employer's governing
37 authority at the beginning of each semester a general statement that the employer is
38 soliciting applications for future employment of certified teachers.

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

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

4 * * *

5 G.(1) The provisions of this Subsection shall apply to any retiree of the
 6 retirement system who meets all the following criteria:

- 7 (a) He has been retired for at least twelve months.
- 8 (b) He did not retire based on a disability.
- 9 (c) He has at least thirty years of creditable service in the retirement system.
- 10 (d) He has attained at least age sixty-two.

11 (2) If a teacher who is not a retiree of this retirement system and who is
 12 certified in one or more areas listed in Paragraph (2) of this Subsection applies for
 13 a position in the area of certification filled at the time by a retiree reemployed under
 14 the provisions of this Subsection, that teacher shall be employed to replace the retiree
 15 beginning at the start of the next grading period.

16 (3) The provisions of this Subsection shall not apply to anyone reemployed
 17 by contract or corporate contract.

18 (4) The provisions of this Subsection shall terminate July 1, 2025.

19 H. Notwithstanding any other provision of law to the contrary, the provisions
 20 of this Section shall be applicable only to a retiree who ~~returns to active service with~~
 21 ~~an employer covered by the provisions of this Chapter~~ retired on or before June 30,
 22 ~~2020, and any retiree covered under Subparagraph (A)(6)(a) of this Section.~~

23 §710.1. Employment of retirees on or after July 1, 2020

24 A. Except as otherwise provided in this Section, any retiree who returns to
 25 active service with an employer covered by the provisions of this Chapter and who
 26 retired on or after July 1, 2020, shall for that period of employment choose one of the
 27 following irrevocable options, which shall be made in writing and filed with the
 28 appropriate officer of the employer:

29 * * *

30 F. Any retiree who retired on or before June 30, 2020, and who returned to
 31 active service under the provisions of this Section may elect to be reemployed
 32 pursuant to the provisions of R.S. 11:710. The retiree shall submit to his employer
 33 a form provided by the system noting his decision to have his reemployment covered
 34 by the provisions of R.S. 11:710. After the termination of R.S. 11:710(G), the retiree
 35 may elect to be covered by the provisions of this Section as provided in subsection
 36 B of this Section. Any retiree who elects to be reemployed pursuant to the provisions
 37 of R.S. 11:710 and who subsequently elects to be covered by the provisions of this
 38 Section as provided in Subsection B of this Section shall thereafter be covered
 39 exclusively by the provisions of this Section.

40 §710.2. Employment of retirees; postsecondary institution critical shortages

41 A. The provisions of this Section shall apply to any retiree of the retirement
 42 system who meets all of the following criteria:

- 43 (1) The retiree has been retired for at least twelve months.
- 44 (2) He did not retire based on a disability.
- 45 (3) He has at least thirty years of creditable service in the retirement system.
- 46 (4) He has attained at least age sixty-two.
- 47 (5) He is being employed to fill a position for an adjunct professor as defined

48 in R.S. 11:710 and assigned the professional activities of instructing pupils in a
 49 nursing program at a public postsecondary education institution where a critical
 50 shortage exists.

51 B. A retiree to whom this Section applies shall not receive a benefit during
 52 the period of his reemployment as provided in this Section unless and until the
 53 institution's postsecondary education management board, the Board of Regents, and
 54 the board of trustees of the retirement system have received certification that a
 55 critical shortage exists. Prior to making such certification, the institution shall
 56 comply with the provisions of Subsection C of this Section.

57 C. In order to declare the existence of a critical shortage, a public
 58 postsecondary education institution shall cause to be prominently displayed a listing
 59 of positions to which this Section applies that are unfilled or that are filled by

1 reemployed retirees on the websites of the institution, of the institution's
 2 management board, and of the Board of Regents.

3 D. During the period of his return to active service, the retiree and his
 4 employer institution shall make contributions to the retirement system as otherwise
 5 provided by law, but the retiree shall receive no additional service credit and shall
 6 not accrue any additional retirement benefits in the retirement system. Upon
 7 termination of active service, the retiree shall, upon application, be refunded the
 8 employee contributions paid since reemployment. The refund shall be without
 9 interest. The retirement system shall retain the employer contributions.

10 E. When any retiree covered by this Section returns to active service with an
 11 employer institution covered by the provisions of this Chapter, the employing
 12 institution shall, within thirty days thereafter, notify the board of trustees in writing
 13 of such employment and the date on which employment commenced. Upon
 14 termination, the institution shall provide the same notice. In addition, the employing
 15 institution shall also report to the retirement system withing forty-five days after
 16 June thirtieth of each year, the names of all persons being paid by the employing
 17 institution and all persons having received a benefit pursuant to the provisions of
 18 this Section, along with such individuals' social security numbers, their positions,
 19 their designations as part-time or full-time, and the amount of their earnings during
 20 the previous fiscal year ending on June thirtieth of the reporting year. Additionally,
 21 the employing institution shall transmit a monthly contributions report pursuant to
 22 R.S. 11:888(A). such monthly reports shall be transmitted within thirty days of the
 23 last day of each month and shall include the salary paid to each individual retiree
 24 reemployed under this Section. Should failure to give notice of return to active
 25 service or failure to report any other information required by this Section result in
 26 any payment being made in violation of this Section, the employing institution shall
 27 be liable to the system for the repayment of such amounts.

28 F. The provisions of this Section shall not apply to anyone reemployed by
 29 contract or corporate contract.

30 G. The provisions of this Section shall terminate July 1, 2025.

31 Section 2. The cost of this Act, if any, shall be funded with additional
 32 employer contributions in compliance with Article X, Section 29(F) of the
 33 Constitution of Louisiana.

34 Section 3. The Department of Education shall undertake a study to determine
 35 whether the critical shortages suffered by schools participating in the Teachers'
 36 Retirement System of Louisiana are suffered to the same degree by schools that are
 37 not participating employers of the system. The department shall ascertain the causes
 38 of the shortages, and, if the shortages are not substantially the same, the department
 39 shall ascertain the reasons for the disparity. In either case, the department shall
 40 propose policy changes that will reduce or eliminate the shortages in both the long
 41 and short term. The department shall submit its findings and proposed policy
 42 changes to the House and Senate committees on retirement and House and Senate
 43 committees on education by January 20, 2023.

44 Section 4. This Act shall become effective if and when the Act which originated as
 45 Senate Bill No. 377 of this 2022 Regular Session of the Legislature becomes effective.