
DIGEST

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HB 1021 Reengrossed

2022 Regular Session

McFarland

Abstract: Provides for reemployment of teachers in the Teachers' Retirement System of La. (TRSL) in a critical shortage position.

Present law governs the payment of benefits to retirees of the Teachers' Retirement System of Louisiana (TRSL) 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 law, applicable to anyone who retired after June 30, 2010, and who first returned to work in a TRSL-covered position after June 30, 2020, does not contain a critical shortage provision.

Present critical shortage law requires the employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage. Requires the employer to advertise twice in the locality's official journal and to post notice at each post-secondary institution within a 120-mile radius of the employer's governing authority.

Proposed law generally retains present law. Proposed law additionally:

- (1) Applies present critical shortage law to allow employment of any certified retiree.

- (2) Allows anyone who retired before July 1, 2020, to be rehired under present critical shortage law.
- (3) Until July 1, 2025, allows the employer to fulfill the advertising and posting requirements of present law by (a) posting notice each semester at the specified post-secondary institutions and advertising monthly in the official journal that the employer is soliciting applications for future employment of certified teachers and (b) prominently displaying a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.
- (4) Until July 1, 2025, allows an employer to hire a retiree certified in any position in the certified area without complying with the advertising and posting requirements in present law.

Proposed law provides if a certified teacher applies to fill a position held by a retiree employed in a critical shortage position, upon hiring, the certified teacher will take the retirees position at the beginning of the next grading period.

Until July 1, 2025, proposed law allows a public postsecondary education institution to hire a retiree to fill a position for an adjunct professor to teach in a nursing program where a critical shortage exists, if the retiree and the institution satisfy certain criteria. Requires the retiree to meet all of the following:

- (1) The retiree has been retired for at least 12 months.
- (2) He did not retire based on a disability.
- (3) He has at least 30 years of creditable service in the retirement system.
- (4) He has attained at least age 62.

Proposed law requires the institution to post a listing of positions that are unfilled or that are filled by reemployed retirees on the websites of the institution, of the institution's management board, and of the Board of Regents in order to declare the existence of a critical shortage.

Present law requires the employer of a retiree to satisfy certain notice and reporting requirements. Provides that if failure to provide any required notice or report causes the retirement system to pay a benefit that is not due, the employer is liable to the system for repayment.

Proposed law retains present law and applies the notice, reporting, and liability provisions to any institution employing a retiree under proposed law.

Proposed law specifies that proposed law shall not apply to anyone reemployed by contract or corporate contract.

Proposed law 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.

Proposed law is contingent upon the passage of Senate Bill No. 377.

(Amends R.S. 11:710(F)(1) and (G) and 710.1(A)(intro para); adds R.S. 11:710(H), 710.1(F), and 710.2)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove provisions that authorized a retiree who retired prior to July 1, 2020, to return to active service in a critical shortage position without a reduction in retirement benefits regardless of when he returned to active service and remove proposed law relative to the procedure for establishing a critical shortage.
2. Add all proposed law changes to present law described in the above digest.