

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 1021****2022 Regular Session****McFarland**

RETIREMENT/TEACHERS: Provides for the reemployment of retirees of the Teachers' Retirement System of Louisiana in a critical shortage position

Synopsis of Senate Amendments

1. Make proposed law advertising and posting requirements relating to critical shortage positions permanent.
2. Retain present law requirement that a retiree employed without benefit suspension due to a critical shortage must be certified in the critical shortage area.
3. Change sunset date for temporary proposed law provisions from 2025 to 2027.
4. Until July 1, 2027, allow retirees certified in certain subjects to be reemployed in the area of certification without benefit suspension without the employer certifying the existence of a critical shortage.
5. Until July 1, 2027, allow a retiree with 30 years of service credit who is at least age 62 to be reemployed without benefit suspension to fill certain positions vacant due to a long-term leave without the employer certifying the existence of a critical shortage.
6. Specify that the policy changes in the DOE report for addressing teacher shortage are to be without reemployment of retirees.
7. Provide for effectiveness.

Digest of Bill as Finally Passed by Senate

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 law, 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.

Present critical shortage law requires the employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage, allowing for the retiree to receive benefits without suspension during reemployment. Requires the employer to advertise twice in the employer's official journal and to post notice at each postsecondary education institution within a 120-mile radius of the employer's governing authority.

Proposed law requires monthly publication of notice in the employer's official journal and requires posting of notice at postsecondary institutions every semester. Proposed law further requires prominently displaying a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.

Proposed law allows anyone who retired before July 1, 2020, to be rehired under present critical shortage law.

Proposed law until July 1, 2027, allows the following employment of retirees without benefit suspension and without certifying the existence of a critical shortage:

- (1) Employment of a retiree certified in math, science, English language arts, or special education, excluding gifted and talented, to fill a position in the certified area. Provides that, if a certified teacher applies to fill a position held by a retiree employed under proposed law, the certified teacher shall replace the retiree at the beginning of the next grading period.
- (2) Employment of a retiree with at least 30 years of service credit who is at least age 62 to fill a vacancy created by extended leave.

Proposed law authorizes, until July 1, 2027, employment of a retiree to fill a position for an adjunct professor to teach in a nursing program at a public postsecondary education institution where a critical shortage exists, if the retiree and the institution satisfy certain criteria. Requires the retiree to meet all of the following:

- (1) He retired on or before June 30, 2020.
- (2) He has been retired for at least 12 months.
- (3) He did not retire based on a disability.
- (4) He has at least 30 years of creditable service in the retirement system.
- (5) 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 Bd. 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 (DOE) to determine whether non-Teachers' public schools are having 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 without reemployment of retirees. Requires a report of findings and proposals by Jan. 20, 2023.

Proposed law (Senate Bill No. 377 of the 2022 R.S.) proposes various changes to the requirements for certification of teachers.

If enacted, proposed law outlined in this digest becomes effective when Senate Bill No. 377 becomes effective.

(Amends R.S. 11:710(A)(3), (F)(1), and (G) and 710.1(A)(intro. para.); Adds R.S. 11:710(H), 710.1(F), and 710.2)