

2022 Regular Session

HOUSE BILL NO. 1021

BY REPRESENTATIVES MCFARLAND, DEVILLIER, EDMONDS, FRIEMAN,
GAROFALO, HARRIS, AND ROMERO

1 AN ACT

2 To amend and reenact R.S. 11:710(A)(3), (F)(1), and (G) and R.S. 11:710.1(A)(introductory
3 paragraph) and to enact R.S. 11:710(H), 710.1(F), and 710.2, relative to critical
4 teacher shortages; to provide for employment of retirees of the Teachers' Retirement
5 System of Louisiana; to allow a retiree to return to work without suspension or
6 reduction of benefit in certain circumstances; to provide for application; to provide
7 for 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 as provided by Article X, Section 29(C) of the Constitution
11 of Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 11:710(A)(3), (F)(1), and (G) and R.S. 11:710.1(A)(introductory
14 paragraph) are hereby amended and reenacted and R.S. 11:710(H), 710.1(F), and 710.2 are
15 hereby enacted to read as follows:

16 §710. Employment of retirees who retired on or before June 30, 2020

17 A. As used in this Section, the following words and phrases shall have the
18 following meanings, unless a different meaning is clearly required by the context:

19 * * *

20 (3) "Critical shortage" means any situation in which the employer has
21 advertised and posted ~~notice of positions to be filled~~ a solicitation for certified
22 teachers, has listed on the specified websites the positions that are unfilled or filled
23 by reemployed retirees, and has received fewer than three certified applicants as
24 provided in Subsection F of this Section.

25 * * *

1 F.(1)(a) A retiree who is employed in a critical shortage position shall not
 2 receive a benefit during the period of his reemployment as provided in this Section
 3 unless and until the Board of Elementary and Secondary Education and the board of
 4 trustees of this system have received certification that a critical shortage exists. Prior
 5 to making such certification for any ~~full-time~~ critical shortage position, the employer
 6 shall ~~cause to be advertised in the official journal of the employer's governing~~
 7 ~~authority, on two separate occasions, notice that a shortage of certified teachers~~
 8 ~~exists and the positions sought to be filled. Additionally, the employer shall cause~~
 9 ~~notice to be posted at the career development office, or similar such entity, of every~~
 10 ~~post-secondary institution within a one hundred twenty-mile radius of the employer's~~
 11 ~~governing authority~~ satisfy the requirements of Subparagraph (b) of this Paragraph.
 12 If a certified applicant who is not a retiree applies for an advertised position, such
 13 person shall be hired before any certified retiree is employed, unless fewer than three
 14 applicants have applied for the position each of whom is certified in the critical
 15 shortage area being filled.

16 (b) For any position sought to be filled by employment of a retiree, the
 17 employer may certify the existence of a critical shortage only after complying with
 18 all of the following requirements:

19 (i) Posting with the career development office, or similar such entity, of
 20 every postsecondary education institution within a one hundred twenty-mile radius
 21 of the employer's governing authority at the beginning of each semester a general
 22 statement that the employer is soliciting applications for future employment of
 23 certified teachers.

24 (ii) Advertising at least once per month in the official journal of the
 25 employer's governing authority that the employer is soliciting applications for future
 26 employment of certified teachers.

27 (iii) Prominently displaying a listing of positions that are unfilled or that are
 28 filled by reemployed retirees, including those positions filled under the provisions
 29 of Subsection G of this Section, on the website of the employer's governing authority
 30 and of the employer, if the employer maintains a separate website.

31 * * *

1 G.(1) A retiree of this system who has been retired for at least twelve months
2 and who did not retire based on a disability may be directly reemployed without
3 suspension or reduction in benefit if either of the following apply:

4 (a) The retiree is certified to teach mathematics, science, English language
5 arts, or special education excluding gifted and talented and is reemployed to fill a
6 position in the area of certification.

7 (b) The retiree is certified, has at least thirty years of creditable service, has
8 attained at least age sixty-two, and is reemployed to fill a vacancy created because
9 a teacher is on maternity leave pursuant to R.S. 17:1211, military leave pursuant to
10 R.S. 17:1215, sabbatical leave pursuant to R.S. 17:1171, or extended sick leave
11 pursuant to R.S. 17:1202.

12 (2) The provisions of this Subsection shall not apply to anyone reemployed
13 by contract or corporate contract.

14 (3) If a teacher who is not a retiree of this retirement system and who is
15 certified in one of the areas listed in Subparagraph (1)(a) of this Subsection applies
16 for a position in the area of certification filled at that time by a retiree reemployed
17 under the provisions of Subparagraph (1)(a) of this Subsection, that nonretiree shall
18 be employed to replace the retiree at the start of the next grading period.

19 (4) The provisions of this Subsection shall terminate July 1, 2027.

20 H. Notwithstanding any other provision of law to the contrary, the provisions
21 of this Section shall be applicable only to a retiree who ~~returns to active service with~~
22 ~~an employer covered by the provisions of this Chapter~~ retired on or before June 30,
23 ~~2020, and any retiree covered under Subparagraph (A)(6)(a) of this Section.~~

24 §710.1. Employment of retirees who retired on or after July 1, 2020

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

30 * * *

1 F. Any retiree who retired on or before June 30, 2020, and who returned to
2 active service under the provisions of this Section may elect to be reemployed
3 pursuant to the provisions of R.S. 11:710. The retiree shall submit to his employer
4 a form provided by the system noting his decision to have his reemployment covered
5 by the provisions of R.S. 11:710. After the termination of R.S. 11:710(G), the retiree
6 may elect to be covered by the provisions of this Section as provided in Subsection
7 B of this Section. Any retiree who elects to be reemployed pursuant to the provisions
8 of R.S. 11:710 and who subsequently elects to be covered by the provisions of this
9 Section as provided in Subsection B of this Section shall thereafter be covered
10 exclusively by the provisions of this Section.

11 §710.2. Employment of retirees; postsecondary institution critical shortages

12 A. The provisions of this Section shall apply to any retiree of the retirement
13 system who retired on or before June 30, 2020, and who meets all of the following
14 criteria:

15 (1) The retiree has been retired for at least twelve months.

16 (2) He did not retire based on a disability.

17 (3) He has at least thirty years of creditable service in the retirement system.

18 (4) He has attained at least age sixty-two.

19 (5) He is being employed to fill a position for an adjunct professor as defined
20 in R.S. 11:710 and assigned the professional activities of instructing pupils in a
21 nursing program at a public postsecondary education institution where a critical
22 shortage exists.

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

29 C. In order to declare the existence of a critical shortage, a public
30 postsecondary education institution shall cause to be prominently displayed a listing

1 of positions to which this Section applies that are unfilled or that are filled by
2 reemployed retirees on the websites of the institution, of the institution's
3 management board, and of the Board of Regents.

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

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

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

1 G. The provisions of this Section shall terminate July 1, 2027.

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

4 Section 3. The Department of Education shall undertake a study to determine
5 whether the critical shortages suffered by schools participating in the Teachers' Retirement
6 System of Louisiana are suffered to the same degree by public schools that are not
7 participating employers of the system. The department shall ascertain the causes of the
8 shortages, and, if the shortages are not substantially the same, the department shall ascertain
9 the reasons for the disparity. In either case, the department shall propose policy changes that
10 will reduce or eliminate the shortages in both the long and short term without employment
11 of retirees. The department shall submit its findings and proposed policy changes to the
12 House and Senate committees on retirement and House and Senate committees on education
13 by January 20, 2023.

14 Section 4. The provisions of Sections 1 and 2 of this Act shall become effective
15 when the Act which originated as Senate Bill No. 377 of the 2022 Regular Session of the
16 Legislature becomes effective.

17 Section 5. The provisions of Sections 3 and 4 and of this Section of this Act shall
18 become effective upon signature by the governor or, if not signed by the governor, upon
19 expiration of the time for bills to become law without signature by the governor, as provided
20 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and
21 subsequently approved by the legislature, this Act shall become effective on the day
22 following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____