

RÉSUMÉ DIGEST

ACT 601 (HB 1021)

2022 Regular Session

McFarland

Existing law governs the payment of benefits to retirees of the Teachers' Retirement System of La. (TRSL), including retirees who return to work in positions covered by the system.

Existing law recognizes two classes of TRSL retirees who return to work in positions covered by the system. Prior law distinguished the two classes based on return-to-service date. New law distinguishes the two classes based on retirement date. (In this digest, the classes are referred to as Group A and Group B):

- (1) Group A, under prior law, included retirees who returned to active service on or before June 30, 2020. Under new law, Group A includes those who retire on or before that date.
- (2) Group B, under prior law, included retirees who returned to active service on or after July 1, 2020. Under new law, Group B includes those who retire on or after that date.

Group A

Existing law requires suspension of a retired teacher's benefits during reemployment and provides exceptions to this requirement. One such exception provides that a retiree may return to work in specified positions without a reduction or suspension of benefits if there is a critical shortage of properly certified candidates to fill a vacancy.

Existing law provides that a critical shortage exists if, after advertising the vacancy, fewer than three certified teachers apply. Provides relative to advertising of such vacancies. New law modifies these advertising requirements as follows:

- (1) Existing law requires advertising in the employer's official journal. Prior law required two such advertisements and required that they state that a shortage of certified teachers exists and the positions sought to be filled. New law requires advertising, at least once per month, that the employer is soliciting applications for employment of certified teachers.
- (2) Existing law requires posting notice at each postsecondary education institution within a 120-mile radius of the employer's governing authority. New law requires such posting at the beginning of each semester and that the notice include a general statement that the employer is soliciting applications for employment of certified teachers.
- (3) New law further requires prominently displaying a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.

Group B

Existing law provides that any retiree in Group B shall choose one of the following options:

- (1) Return to work with an allowable employment earnings cap of 25% of his final average compensation with a reduction in the retirement benefit if the cap is exceeded.
- (2) Suspend his benefit, return to work with no employment earnings cap, and begin to accrue a supplemental benefit for the duration of service after reemployment.

Existing law authorizes a conversion from option 1 to option 2 once the allowable employment earnings cap of 25% has been met.

Movement Between Groups

Existing law authorizes a retiree in Group A to elect to be covered by existing law applicable to Group B.

New law provides relative to the group of retirees who returned to active service* (below) and who retired** (below) (those retirees who previously returned to active service in Group B but who, under new law, would otherwise be covered by law applicable to Group A). Authorizes such a retiree to elect to be covered by law applicable to Group A and, after July 1, 2027, to elect to be covered by law applicable to Group B.

Additional Reemployment - Effective until July 1, 2027

New law, effective until July 1, 2027, authorizes reemployment of retirees in Group A as defined by new law without benefit reduction or suspension in the following cases:

- (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. New law provides that if a certified teacher applies to fill such a position held by a retiree, the certified teacher shall replace the retiree at the beginning of the next grading period.
- (2) Employment of a retiree who has at least 30 years of service credit who has attained the age 62 to fill a vacancy created by extended leave, maternity leave, military leave, or sabbatical leave, all as defined in existing law.
- (3) Employment of a retiree who has at least 30 years of creditable service and who has attained the age of 62 as an adjunct professor to teach in a nursing program at a public postsecondary education institution where a critical shortage exists. New law requires the employer to satisfy certain notice and reporting requirements.

General Provisions

Existing law and new law applicable to reemployment of TRSL retirees in positions covered by the system:

- (1) Require suspension of benefit for any reemployment within the first 12 months of retirement.
- (2) Require suspension of benefit for employment under contract or corporate contract.
- (3) Do not apply to disability retirees.
- (4) Provide for reemployment of retirees who retired on or before June 30, 2010, without a reduction or suspension of benefits.

New law requires the Dept. of Education to undertake a study of teacher shortages and to report to the House and Senate retirement committees and the House and Senate education committees by Jan. 20, 2023.

New law (Act No. 244 of 2022 R.S.) makes various changes to the requirements for certification of teachers.

Effective in part on the effective date of Act No. 244 of 2022 R.S. (May 31, 2022).

Effective in part upon signature of governor (June 17, 2022).

(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)

* between June 30, 2020, and the effective date of new law

** on or before June 30, 2020