

HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Substitute for Original House Bill No. 35 by Representative Riser as proposed by the House Committee on Retirement

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 11:710(A)(4)(b) and to enact R.S. 11:710.1(G), relative to the Teachers' Retirement System of Louisiana; to provide relative to the reemployment of certain retired teachers without a suspension or reduction of benefits; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:710(A)(4)(b) is hereby amended and reenacted and R.S. 11:710.1(G) is hereby enacted to read as follows:

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

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

* * *

(4) "Reemployment-eligible critical shortage position" or "critical shortage position" means any of the following:

* * *

(b) A position for a full-time or part-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, school psychologist, interpreter, educational transliterator, or educator of the deaf or hard of hearing whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the state Department of Education in a school district where a critical shortage exists.

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

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G.(1) Notwithstanding the provisions of Subsection A of this Section, a retiree who is employed in a critical shortage position shall be governed by the provisions of this Subsection.

(2)(a) Except as provided in Subsection C of this Section, a retiree who is employed in a critical shortage position may receive a benefit during the period of his reemployment if the Board of Elementary and Secondary Education and the board of trustees of this system have received certification that a critical shortage exists. Prior to making such certification for any critical shortage position, the employer shall satisfy the requirements of Subparagraph (b) of this Paragraph. If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed, unless fewer than three applicants have applied for the position, each of whom is certified in the critical shortage area being filled.

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

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

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

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

(3) On an annual basis, the superintendent and personnel director of the school employing a retiree who returns to active service in a position defined in Subparagraph (5)(a) of this Subsection shall certify a critical shortage area to the Board of Elementary and Secondary Education and the board of trustees of this system.

(4) On an annual basis, the employing school board for a retiree who returns to active service in a position defined in Subparagraph (5)(b) of this Subsection shall certify to the Board of Elementary and Secondary Education and the board of trustees of this system that a critical shortage exists for the position in the school district.

(5) "Critical shortage position" means any of the following:

(a) A position for a full-time or part-time classroom teacher who teaches any student in pre-kindergarten through twelfth grade in a school where a critical shortage exists.

(b) A position for a full-time or part-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, school psychologist, interpreter, educational transliterator, or educator of the deaf or hard of hearing whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the state Department of Education in a school district where a critical shortage exists.

(6) During the period of his return to active service under the provisions of this Subsection, the retiree and his employer shall make contributions to the retirement system as provided by this Chapter, but the retiree shall receive no additional service credit and shall not accrue any additional retirement benefits in the retirement system. Upon termination of active service, the retired teacher shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. the retirement system shall retain the employer contributions.

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

Section 3. This Act shall become effective on July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2024, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2024 Regular Session

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 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.

Present law allows retirees who retired on or before June 30, 2020, to be reemployed in full-time critical shortage positions without a suspension of benefits.

Present law defines "critical shortage position" as follows:

- (1) A K-12 classroom teacher where a critical shortage exists.
- (2) A speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, school psychologist, interpreter, educational transliterator, or educator of deaf or hard of hearing.

Present law requires the employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage. Requires the superintendent and personnel director of a school district to certify a critical shortage area to the state Bd. of Elementary and Secondary Education.

Proposed law makes present law authorizing reemployment of retirees in critical shortage areas without a suspension of benefits applicable to the following:

- (1) Retirees who retired on or before June 30, 2020, and who return to work in such a position on a part-time basis.
- (2) Retirees who retire after June 30, 2020, and who return to work in such a position on a full-time or part-time basis.

Proposed law requires that any cost of proposed law be funded with additional employer contributions in compliance with Art. X, Sec. 29(F) of the state constitution.

Effective July 1, 2024.

(Amends R.S. 11:710(A)(4)(b); Adds R.S. 11:710.1(G))

