

2024 Regular Session

HOUSE BILL NO. 15

BY REPRESENTATIVE FONTENOT

RETIREMENT/MUNICIPAL POL: Provides for the reemployment of retired police officers of the Municipal Police Employees' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:2220(A)(2)(a) and to enact R.S. 11:2213(11)(i) and (j),
3 2214.1, 2220(A)(4), and 2241.4(A)(4), relative to the Municipal Police Employees'
4 Retirement System; to provide for eligibility for retirement; to provide relative to
5 benefits of certain retirees; to provide for termination of membership of certain
6 elected officials; to provide for definitions; to authorize certain reemployment of
7 retirees without benefit suspension; to provide for payment of contributions; and to
8 provide for 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. 11:2220(A)(2)(a) is hereby amended and reenacted and R.S.
14 11:2213(11)(i) and (j), 2214.1, 2220(A)(4), and 2241.4(A)(4) are hereby enacted to read as
15 follows:

16 §2213. Definitions

17 * * *

18 (11) "Employee" shall mean any of the following classifications:

19 * * *

1 (i) Notwithstanding any provisions of Item(a)(iii) of this Paragraph to the
 2 contrary and in conformity with the provisions of R.S. 11:2214(2)(b), "employee"
 3 shall mean any person employed by the Baton Rouge Police Department who is a
 4 law enforcement employee and "employee" shall not mean any person employed by
 5 the Baton Rouge Police Department who is not a law enforcement employee. For
 6 purposes of this Subparagraph, "law enforcement employee" means any person
 7 occupying a position within a class title that, subject to the merger agreement, was
 8 included in the membership of the system on the effective date of this Subparagraph.
 9 For any position in the Baton Rouge Police Department within a class title created
 10 after the effective date of this Subparagraph, "law enforcement employee" shall
 11 mean a person occupying a position that makes the person eligible to receive state
 12 supplemental pay.

13 (j) Any person who is not a full-time police officer and who on March 5,
 14 2023, met this definition of employee only under Item (a)(iii) of this Paragraph and
 15 was enrolled in another municipal retirement system is not an employee.

* * *

17 §2214.1. Termination of membership; certain elected officials

18 A member of this system who is elected, who is eligible for retirement from
 19 this system, and who is eligible for the same employment, for membership in another
 20 statewide retirement system may terminate his membership in this system upon his
 21 enrollment in the other system. If such member enrolls in another system, he shall
 22 file a notice of such enrollment in writing with the board of this system, and all
 23 employer and employee contributions to this system by or on behalf of the member
 24 shall cease upon receipt by the board of the notice. The former member may apply
 25 for retirement from this system and receive this retirement benefit any time after the
 26 termination of his membership in this system regardless of whether he terminates the
 27 employment that made him eligible for membership.

* * *

1 §2220. Benefits; contribution limit

2 A. Eligibility for normal retirement, early retirement, and limitations.

3 * * *

4 (2)(a)(i) ~~Regardless~~ Except as provided by Item (ii) of this Subparagraph,
5 regardless of age, if a retiree of this system becomes an employee as defined in R.S.
6 11:2213, payment of retirement benefits shall be suspended and the employee and
7 employer shall contribute to the system toward creditable service.

8 (ii) The benefits of a retiree of the system who retires as a police officer
9 during the period beginning July 1, 2024, and ending June 30, 2026, and who, no
10 sooner than ninety days following the date of his retirement, is first employed as an
11 employee under R.S. 11:2213(11)(a)(iii) shall not be suspended if the retiree
12 irrevocably elects not to receive additional service credit or accrue any additional
13 retirement benefit in the retirement system. Such election shall be in writing and
14 filed with the board of trustees within thirty days after the effective date of the
15 retiree's employment. During such employment, the retiree and his employer shall
16 make contributions to the retirement system as provided by this Chapter. Upon
17 termination of employment as an employee under R.S. 11:2213(11)(a)(iii), employee
18 contributions paid since reemployment shall, upon application, be refunded without
19 interest, to the retiree. The retirement system shall retain the employer contributions
20 and interest on the contributions.

21 * * *

22 (4)(a) The retirement benefit of a retiree of this system who has attained the
23 age of fifty-five and retired from this system with twenty or more years of service
24 credit or has twenty-five years of service at any age and who becomes an employee
25 as defined by R.S. 11:2213(11)(a)(i) shall not be suspended as otherwise required by
26 Paragraph (2) of this Subsection. However, no such employee shall receive a
27 retirement benefit during the sixty-day period following the effective date of his
28 retirement.

1 (b) During such reemployment, the retiree and his employer shall make
 2 contributions to the retirement system as provided by this Chapter, but the retiree
 3 shall receive no additional service credit and shall not accrue any additional
 4 retirement benefit in the retirement system. Upon termination of reemployment,
 5 employee contributions paid since reemployment shall, upon application, be
 6 refunded to the retiree without interest. The retirement system shall retain the
 7 employer contributions and interest on contributions.

8 * * *

9 §2241.4. Eligibility for retirement

10 A. Any member of this subplan shall be eligible for retirement if he has:

11 * * *

12 (4) Seven years or more of service, at age sixty-two or thereafter, if he is an
 13 elected chief of police who is not eligible for retirement under Paragraph (1), (2), or
 14 (3) of this Subsection and is prohibited from continuing employment as a chief with
 15 the same employer due to term limits. Any person retiring under this Paragraph shall
 16 provide sufficient documentation to the retirement system proving that he meets
 17 these requirements and shall irrevocable elect not to receive additional service credit
 18 or accrue any additional retirement benefit in the retirement system if he
 19 subsequently becomes reemployed. Such election shall be in writing and filed with
 20 the board of trustees before the effective date of the retiree's retirement. During any
 21 subsequent employment, the retiree and his employer shall make contributions to the
 22 retirement system as provided by this Chapter. Upon termination of subsequent
 23 employment, employee contributions paid since reemployment shall, upon
 24 application, be refunded, without interest, to the retiree. The retirement system shall
 25 retain the employer contributions and interest of the contributions.

26 * * *

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 15 Engrossed

2024 Regular Session

Fontenot

Abstract: Provides for reemployment of retirees of the Municipal Police Employees' Retirement System (MPERS) who meet certain criteria; provides for membership in the system and termination of membership; provides for retirement eligibility.

Present law provides that various classes of employees are members of the retirement system. Provides that a person who is not a police officer but who is employed on a full-time basis by a police department and under the direction of a chief of police is an "employee". Proposed law provides that a person who was employed in such a position and a member of another municipal retirement system on March 5, 2023, is *not* an "employee".

Proposed law provides for the definition of "employee" within the Baton Rouge Police Dept. Provides the definition of "law enforcement employee" to mean any person occupying a position within a class title that was included in the membership of the system on the effective date of the merger between the City-Parish Employees' Retirement System and MPERS.

Proposed law provides that a member of MPERS who is elected to a position and becomes eligible to join another retirement system may terminate his membership in MPERS upon enrollment in the other retirement system. Requires the member to file a notice with the board of trustees and that employee and employer contributions to the system cease upon receipt of notice. Provides that the former member may apply for retirement from MPERS after termination in the system.

Present law provides for the eligibility for retirement for members within MPERS.

Present law requires suspension of the retirement benefit of an MPERS retiree who returns to employment in a position covered by MPERS and provides that such a reemployed retiree earns additional service credit during reemployment. Exempts certain retirees who are reemployed in part-time positions.

Proposed law provides that the benefit of a member who retires between July 1, 2024, and June 30, 2026, is not suspended if he irrevocably elects to earn no additional service credit or accrue any additional retirement benefit.

Proposed law exempts, except for the first 60 days after his retirement, a retiree who meets the following criteria from the requirement for benefit suspension:

- (1) He has attained age 55.
- (2) He has 20 or more years of service credit.
- (3) He has 25 or more years of service credit at any age.
- (4) He is employed as a full-time police officer empowered to make arrests.

Proposed law for both groups of retirees exempt from benefit suspension, provides the employee and employer pay contributions to the system during the reemployment period. Provides the employee, upon application, can be refunded their contribution without interest. Provides MPERS retains the employer contributions paid during the reemployment period.

Proposed law provides a member may retire if he meets the following:

- (1) He attained age 62.
- (2) He has seven years or more of service credit.
- (3) He is not eligible to retire under present law but is an elected a chief of police subject to term limits.

Proposed law requires the member to submit sufficient documentation to the board of trustees and irrevocably elect to receive no additional service credit or accrue any additional retirement benefit. Provides that during reemployment employee and employer contributions are paid to the system. Provides that upon termination of reemployment, employee contributions are refunded to the member without interest and employer contribution are retained by the retirement system.

(Amends R.S. 11:2220(A)(2)(a); Adds R.S. 11:2213(11)(i) and (j), 2214.1, 2220(A)(4), and 2241.4(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Provisions regarding the definition of "employee" that are applicable to the Baton Rouge Police Dept. and to a person who was in another retirement system on March 5, 2023.
2. Provisions for termination of membership by an elected official who is eligible for membership in another retirement system.
3. Provisions regarding suspension of benefits for a reemployed retiree who retires between July 1, 2024, and June 30, 2026, and for retirees who retire with 25 years of service credit.
4. Provisions regarding retirement eligibility of certain police chiefs subject to term limits.