

2024 Regular Session

HOUSE BILL NO. 967 (Substitute for House Bill No. 35 by Representative Riser)

BY REPRESENTATIVES RISER, ADAMS, AMEDEE, BACALA, BAYHAM, BERAULT, BILLINGS, BOURRIAQUE, BOYD, BRAUD, BRYANT, CARRIER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COX, DEWITT, FIRMENT, FISHER, FREIBERG, GADBERRY, GREEN, HORTON, HUGHES, JORDAN, KNOX, LAFLEUR, JACOB LANDRY, LARVADAIN, MARCELLE, MCCORMICK, MELERINE, MILLER, MOORE, NEWELL, OWEN, PHELPS, ROMERO, SCHAMERHORN, SELDERS, STAGNI, TAYLOR, THOMPSON, AND WILLARD

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

1 AN ACT

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

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

9 Be it enacted by the Legislature of Louisiana:

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

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

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

15 * * *

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

3 * * *

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

10 * * *

11 §710.1. Employment of retirees who retired on or after July 1, 2020

12 * * *

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

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

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

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

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

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

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

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

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

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

26 (b) A position for a full-time or part-time certified speech therapist, speech
27 pathologist, audiologist, educational diagnostician, school social worker, school
28 counselor, school psychologist, interpreter, educational transliterator, or educator of
29 the deaf or hard of hearing whose position of employment requires a valid Louisiana

1 ancillary certificate approved and issued by the state Department of Education in a
2 school district where a critical shortage exists.

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

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

13 Section 3. This Act shall become effective on July 1, 2024; if vetoed by the governor
14 and subsequently approved by the legislature, this Act shall become effective on July 1,
15 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 967 Reengrossed 2024 Regular Session Riser

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 where a critical shortage exists.

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))