

ACT No. 394

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

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 * * *

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

18 * * *

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

7 * * *

8 §710.1. Employment of retirees who retired on or after July 1, 2020

9 * * *

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

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

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

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

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

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

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

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

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

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

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

27 (6) During the period of his return to active service under the provisions of
28 this Subsection, the retiree and his employer shall make contributions to the
29 retirement system as provided by this Chapter, but the retiree shall receive no
30 additional service credit and shall not accrue any additional retirement benefits in the

1 retirement system. Upon termination of active service, the retired teacher shall, upon
 2 application, be refunded the employee contributions paid since reemployment. The
 3 refund shall be without interest. The retirement system shall retain the employer
 4 contributions.

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

7 Section 3. This Act shall become effective on July 1, 2024; if vetoed by the governor
 8 and subsequently approved by the legislature, this Act shall become effective on July 1,
 9 2024, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____