2024 Regular Session

HOUSE BILL NO. 39

BY REPRESENTATIVE MCCORMICK

1	AN ACT
2	To amend and reenact R.S. 11:1006(D) and 1007(A)(1), (B), (C), (D), and (F) and to repeal
3	R.S. 11:1007(C)(3), relative to the Louisiana School Employees' Retirement System;
4	to provide for reemployment of retired bus drivers; and to provide for related
5	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. 11:1006(D) and 1007(A)(1), (B), (C), (D), and (F) are hereby
11	amended and reenacted to read as follows:
12	§1006. Reemployment of retirees
13	* * *
14	D. The provisions of this Section shall not apply to any retiree of this system
15	who retired from service as a bus driver operator, who returns to active service in a
16	full-time or part-time position as a bus driver operator covered by the provisions of
17	this Chapter, and whose employer chooses to reemploy him pursuant to R.S.
18	11:1007. The full-time reemployment of such retired bus drivers operators shall be
19	governed by the provisions of that Section.
20	§1007. Employment of retired bus drivers operators
21	A.(1)(a) Subject to the provisions of Subsection F of this Section, any retiree
22	of this system who was retired from service as a bus driver operator on or before

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CODING: Words in struck through type are deletions from existing law; words $\underline{\text{underscored}}$ are additions.

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June 30, 2024, and who returns to active service in a full-time or part-time position as a bus driver operator covered by the provisions of this Chapter within the twelve six-month period immediately following the effective date of his retirement shall have his retirement benefit suspended for the duration of such active service or the lapse of twelve six months after the effective date of his retirement, whichever occurs first, even if such service is based on employment by contract or corporate contract. After the period of suspension of benefits as provided in this Subsection Subparagraph, the retirement benefit of such retiree shall no longer be suspended.

(b) Subject to the provisions of Subsection F of this Section, any retiree of this system who retired from service as a bus operator on or after July 1, 2024, and who returns to active service in a full-time or part-time position as a bus operator covered by the provisions of this Chapter within the twelve-month period immediately following the effective date of his retirement shall have his retirement benefit suspended for the duration of such active service or the lapse of twelve months after the effective date of his retirement, whichever occurs first, even if such service is based on employment by contract or corporate contract. After the period of suspension of benefits as provided in this Subparagraph, the retirement benefit of such retiree shall no longer be suspended.

* * *

B. During the period of his return to active service, the reemployed bus driver operator and his employer shall make contributions to the retirement system as provided by this Chapter. However, the bus driver operator shall receive no additional service credit and shall not accrue any additional benefits in the retirement system. After termination of active service and upon application therefor, the retiree shall be refunded the employee contributions paid during reemployment. The refund shall be without interest. The retirement system shall retain all interest and employer contributions.

C.(1) When any retired bus <u>driver operator</u> returns to active service pursuant to this Section with an employer covered by the provisions of this Chapter, the employing agency shall notify the board of trustees in writing within ten days of such

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employment and the date on which employment began. Upon termination, the employing agency shall also provide the board with information and notice thereof in writing. In addition to the notice required by this Subsection, the employing agency shall also report to the retirement system within forty-five days after June thirtieth of each year the names of all retired persons being paid by the employing agency, their social security numbers, and the amounts of their earnings during the previous fiscal year ending June thirtieth of the reporting year.

- (2) Any employer who elects to reemploy a retired bus <u>driver operator</u> pursuant to this Section shall submit to the system before September first of each school year of reemployment a declaration stating the employer's intent to reemploy such bus <u>driver operator</u> pursuant to this Section. Such declaration shall be signed by the employer's authorized representative and the employee. If such declaration is not received by the system by such date, the reemployed bus <u>driver operator</u> shall be considered reemployed pursuant to the provisions of R.S. 11:1006.
- (3) The superintendent of any employer who elects to reemploy a retired bus driver operator pursuant to this Section shall certify to the Board of Elementary and Secondary Education that a shortage of qualified bus drivers operators exists in the school district of such employer. The legislative auditor may audit or investigate as to whether there is a shortage of bus drivers operators in such district.
- D. The status of any retired bus <u>driver operator</u> who is reemployed pursuant to the provisions of this Section shall be the same as that of a full-time active employee and shall be governed by the rules, procedures, policies, and statutes that apply to all such active employees.

* * *

F. Any employer who participates in the reemployment of any retired bus driver operator pursuant to this Section shall pay the actuarial cost in aggregate attributable to the reemployment of such bus driver operator in excess of the cost that would have been incurred if the employer had reemployed the driver operator or driver operators pursuant to R.S.11:1006 as determined by the system's actuary. The actuarial cost to the system, if any, shall be included in the annual actuarial report to

1 the board of trustees of the system and shall be submitted to the Public Retirement 2 Systems' Actuarial Committee. Upon approval of the system's actuarial report by the 3 Public Retirement Systems' Actuarial Committee, the participating employers shall 4 be notified of any cost, which shall be paid to the system not later than June thirtieth 5 following such committee's approval of the system's actuarial report. 6 7 Section 2. R.S. 11:1007(C)(3) is hereby repealed in its entirety. 8 Section 3. The Louisiana State Law Institute is hereby authorized and directed to 9 change "bus driver" to "bus operator" throughout Chapter 3 of Subtitle II of Title 11. 10 Section 4. The cost of this Act, if any, shall be funded with additional employer 11 contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: