

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

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

8 (2) Any employer who elects to reemploy a retired bus ~~driver~~ operator
 9 pursuant to this Section shall submit to the system before September first of each
 10 school year of reemployment a declaration stating the employer's intent to reemploy
 11 such bus ~~driver~~ operator pursuant to this Section. Such declaration shall be signed
 12 by the employer's authorized representative and the employee. If such declaration is
 13 not received by the system by such date, the reemployed bus ~~driver~~ operator shall be
 14 considered reemployed pursuant to the provisions of R.S. 11:1006.

15 (3) The superintendent of any employer who elects to reemploy a retired bus
 16 ~~driver~~ operator pursuant to this Section shall certify to the Board of Elementary and
 17 Secondary Education that a shortage of qualified bus ~~drivers~~ operators exists in the
 18 school district of such employer. The legislative auditor may audit or investigate as
 19 to whether there is a shortage of bus ~~drivers~~ operators in such district.

20 D. The status of any retired bus ~~driver~~ operator who is reemployed pursuant
 21 to the provisions of this Section shall be the same as that of a full-time active
 22 employee and shall be governed by the rules, procedures, policies, and statutes that
 23 apply to all such active employees.

24 * * *

25 F. Any employer who participates in the reemployment of any retired bus
 26 ~~driver~~ operator pursuant to this Section shall pay the actuarial cost in aggregate
 27 attributable to the reemployment of such bus ~~driver~~ operator in excess of the cost that
 28 would have been incurred if the employer had reemployed the ~~driver~~ operator or
 29 ~~driver~~ operators pursuant to R.S.11:1006 as determined by the system's actuary. The
 30 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.

* * *

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

APPROVED: _____