

RÉSUMÉ DIGEST

ACT 149 (SB 20)

2015 Regular Session

Long

Prior law, with certain exceptions, required benefits of a retiree reemployed in a position covered by the Teachers' Retirement System of Louisiana (TRSL) to be suspended for the duration of the reemployment. Further provided that for retirees who qualify to return to work exceptions pursuant to prior law, benefits shall be fully suspended for the first 12 months following retirement regardless of retirement date, position filled, or credentials held. After this 12-month period terminates, these retirees are eligible to receive their benefit check while receiving a salary for reemployment.

New law retains prior law and authorizes additional retirees to avoid suspension of their benefits while reemployed.

Prior law provided that after the 12-month mandatory suspension period, there shall be no further suspension of benefits for:

- (1) Retirees who return to active service on or before June 30, 2010.
- (2) Retirees who retired on or after May 1, 2009, and on or before June 30, 2010, who return to active service in a TRSL-covered position requiring a valid Louisiana teaching certificate or valid Louisiana ancillary certificate.
- (3) Retirees holding advanced degrees in speech therapy, speech pathology or audiology.

New law retains prior law for retirees holding advanced degrees in speech therapy, speech pathology or audiology. New law further provides that any member who retired on or before June 30, 2010, shall have no suspension of benefits during his reemployment period following the first 12 months of retirement regardless of when he returned to active service or whether the position requires a certificate. Defines these retirees as "reemployment-eligible retirees".

Prior law provided that, following the 12-month mandatory suspension period, a full-time certified speech therapist, speech pathologist, or audiologist in a position requiring a valid La. ancillary certificate shall have no further suspension of benefits during his reemployment period when a critical shortage has been certified as provided in prior law. Provided that, following the 12-month mandatory suspension period, full-time or part-time classroom teachers reemployed in a school where a critical shortage has been certified as provided in prior law, shall have no further suspension of benefits.

New law retains prior law and adds school social workers, school counselors, and educational diagnosticians to the list of positions covered by prior law. Defines these positions as "reemployment-eligible critical shortage positions".

Prior law required certification of critical shortage areas. Prohibited any retiree hired in an eligible reemployment position to receive his benefit until the superintendent and personnel director of his employing school have certified to the State Board of Elementary and Secondary Education (BESE) and the board of trustees of TRSL that a critical shortage of teachers exists in the area in which the retiree was hired to teach. Required that prior to making this certification, the employer is to advertise on two separate occasions in the official journal for the area a notice that a shortage exists and the positions sought to be filled.

New law retains prior law and further requires employers to post openings at career development offices or similar entities and in every postsecondary institution within a 120 mile radius of the employer's governing authority. Requires annual certification that a critical shortage exists.

New law defines "critical shortage" to mean any situation where there exists a shortage of certified teachers in a certain subject area or a shortage of certified speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, or school counselors.

New law provides that a "reemployment-eligible critical shortage position" or "critical shortage position" includes a position for a full-time certified speech therapist, speech

pathologist, audiologist, educational diagnostician, school social worker, or school counselor whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the state Department of Education in a school district where a critical shortage exists.

Prior law provides that, after the 12-month mandatory suspension period, a retiree who returns to work in any of the following TRSL-covered positions is subject to a salary cap of 25% of his annual benefit amount:

- (1) Substitute classroom teachers.
- (2) Adult education or literacy instructors.
- (3) Adjunct professors.

New law retains prior law and defines these positions as "reemployment-eligible positions".

Prior law defined "classroom teacher" as an employee whose position of employment requires a valid La. teaching certificate and who is assigned the professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept. New law includes in the definition of "classroom teacher" employees assigned to proctor admission, evaluation, or assessment testing. Further adds test proctoring to the list of duties a substitute classroom teacher may perform.

Prior law provided that the earnings limitations shall not apply to any retiree reemployed in a part-time position with the La. High School Athletic Assoc. on June 27, 2003. New law repeals prior law due to obsolescence.

Effective June 30, 2015.

(Amends R.S. 11:710)