HLS 202ES-66 ORIGINAL

2020 Second Extraordinary Session

HOUSE BILL NO. 36

1

BY REPRESENTATIVE BACALA

RETIREMENT/STATE SYSTEMS: Provides relative to reemployment of retirees during a declared emergency (Item #2)

AN ACT

2	To amend and reenact R.S. 11:149(B) and to enact R.S. 11:416.2, 710.2, 1141.1, and 1311.1,
3	relative to retirees of the Louisiana State Employees' Retirement System, the
4	Teachers' Retirement System of Louisiana, the Louisiana School Employees'
5	Retirement System, and the State Police Pension and Retirement System; to provide
6	relative to the reemployment of such retirees during declared emergencies; to
7	authorize such reemployment without suspension or reduction of retirement benefits;
8	and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 11:149(B) is hereby amended and reenacted and R.S. 11:416.2,
11	710.2, 1141.1, and 1311.1 are hereby enacted to read as follows:
12	§149. Reemployment of retirees
13	* * *
14	B.(1) Any person who retires under any an early retirement incentive plan
15	of the state of Louisiana for state employees shall not be reemployed by any
16	department of state government for two years after the effective date of their
17	retirement.
18	(2) The provisions of Paragraph (1) of this Subsection shall not apply to:
19	seasonal

1	(a) Seasonal fire fighting personnel employed by the office of forestry in the
2	Department of Agriculture and Forestry, and election-related.
3	(b) Election-related personnel in the Department of State. Reemployment
4	of election personnel shall not exceed six weeks prior to an election and two weeks
5	following an election.
6	(c) A retiree from one of the state retirement systems if such reemployment
7	occurs during a state of emergency declared by the governor and the employer
8	certifies in writing to the appropriate retirement system that reemployment of the
9	retiree is critical to the effectiveness of the employer's response to the emergency.
10	* * *
11	§416.2. Reemployment of a retiree during an emergency
12	A. Notwithstanding R.S. 11:416 or any other provision of law, the retirement
13	benefits of a retiree of the system who engages in employment that would render him
14	eligible for membership in the system shall not be suspended, reduced, delayed, or
15	otherwise affected if both of the following conditions apply to the reemployment:
16	(1) The reemployment occurs during a state of emergency declared by the
17	governor.
18	(2) The employer certifies in writing to the retirement system that
19	employment of the retiree is critical to the effectiveness of the employer's response
20	to the emergency.
21	B. No employee or employer contributions shall be made to the system with
22	respect to reemployment in accordance with this Section, and the employee shall not
23	receive service credit for such service.
24	C. R.S. 11:416(B) does not apply to an employee who is employed in
25	accordance with this Section or to his employer.
26	* * *
27	§710.2. Reemployment of a retiree during an emergency
28	A. Notwithstanding R.S. 11:710 or 710.1 or any other provision of law, the
29	retirement benefits of a retiree who returns to active service in a position covered by

1	the provisions of this Chapter shall not be suspended, reduced, delayed, or otherwise
2	affected if both of the following conditions apply to the reemployment:
3	(1) The reemployment occurs during a state of emergency declared by the
4	governor.
5	(2) The employer certifies in writing to the system that employment of the
6	retiree is critical to the effectiveness of the employer's response to the emergency.
7	B. No employee or employer contributions shall be made to the retirement
8	system with respect to reemployment in accordance with this Section, and the
9	employee shall not receive service credit for such service.
10	C. R.S. 11:710(D) and 710.1(D) do not apply to an employee who is
11	employed in accordance with this Section or to his employer.
12	* * *
13	§1141.1. Reemployment of a retiree during an emergency
14	A. Notwithstanding R.S. 11:1141(C)(1)(b) or any other provision of law, a
15	member who retires may be reemployed and the retirement benefits of the retiree
16	who returns to service in a position covered by this retirement system shall not be
17	suspended, reduced, delayed, or otherwise affected if both of the following
18	conditions apply to the reemployment:
19	(1) The reemployment occurs during a state of emergency declared by the
20	governor.
21	(2) The employer certifies in writing to the retirement system that
22	employment of the retiree is critical to the effectiveness of the employer's response
23	to the emergency.
24	B. No employee or employer contributions shall be made to the retirement
25	system with respect to reemployment in accordance with this Section, and the
26	employee shall not receive service credit for such service.
27	* * *

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_	A. Notwithstanding R.S. 11:1311 or any other provision of law, the
3	retirement benefits of a retiree who returns to employment in a position covered by
4	the system shall not be suspended, reduced, delayed, or otherwise affected if both of
5	the following conditions apply to the reemployment:
6	(1) The reemployment occurs during a state of emergency declared by the
7	governor.
8	(2) The employer certifies in writing to the retirement system that
9	employment of the retiree is critical to the effectiveness of the employer's response
10	to the emergency.
11	B. No employee or employer contributions shall be made to the system with
12	respect to reemployment in accordance with this Section, and the employee shall not
13	receive service credit for such service.
14	* * *
15	Section 2. This Act shall become effective upon signature by the governor or, if not
16	signed by the governor, upon expiration of the time for bills to become law without signature
17	by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
18	vetoed by the governor and subsequently approved by the legislature, this Act shall become
19	effective on the day following such approval.

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 36 Original

2020 Second Extraordinary Session

Bacala

Abstract: Authorizes reemployment of retirees from the four state retirement systems, during a declared state of emergency, without suspension or reduction of retirement benefits.

Present law provides restrictions and limitations on the reemployment of a retiree from any of the four La. state retirement systems if such reemployment is covered by the same system as follows:

La. State Employees' Retirement System: <u>Present law</u> provides a reemployed retiree (1) with three options: to have his retirement benefit reduced if his employment earnings exceed a specified amount, to return all received benefits and to become an

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

active member of the retirement system, or to have his benefit suspended during such reemployment.

- (2) Teachers' Retirement System of La.: <u>Present law</u> provides a reemployed retiree with two options: to have his retirement benefit reduced if his employment earnings exceed a specified amount or to have his benefit suspended during such reemployment. <u>Present law</u> provides for other options and circumstances for a retiree who was reemployed prior to July 1, 2020.
- (3) La. School Employees' Retirement System: <u>Present law</u> prohibits reemployment of a retiree for five years after retirement.
- (4) State Police Pension and Retirement System: <u>Present law provides for suspension of the retirement benefit if employment earnings exceed a specified amount.</u>

<u>Proposed law</u> provides exceptions to <u>present law</u> for all four systems. Authorizes reemployment without any effect on retirement benefits if both of the following conditions apply to the reemployment:

- (1) The reemployment occurs during a state of emergency declared by the governor.
- (2) The employer certifies in writing to the retirement system that employment of the retiree is critical to the effectiveness of the employer's response to the emergency.

<u>Proposed law</u> provides that employee and employer contributions are not made to the retirement systems and service credit is not earned during such reemployment.

<u>Present law</u> prohibits reemployment, by any department of state government, of a state retiree who retired under an early retirement incentive plan for two years after the effective date of his retirement. <u>Proposed law</u> provides an exception to <u>present law</u> if the same two conditions (described above) apply to the reemployment.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 11:149(B); Adds R.S. 11:416.2, 710.2, 1141.1, and 1311.1)