

Regular Session, 2011

HOUSE BILL NO. 369

BY REPRESENTATIVES GARY SMITH, BALDONE, BARROW, BISHOP, BURRELL, GISCLAIR, HARDY, HOFFMANN, SAM JONES, KATZ, LAFONTA, MONICA, MONToucET, PATRICIA SMITH, ST. GERMAIN, STIAES, AND WILLMOTT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RETIREMENT/TEACHERS: Relative to the Teachers' Retirement System of Louisiana (TRSL), allows certain reemployed retirees to receive retirement benefits upon reemployment

1 AN ACT

2 To amend and reenact R.S. 11:710(D) and to enact R.S. 11:710(A)(4), relative to the
3 Teachers' Retirement System of Louisiana; to allow certain reemployed retirees to
4 receive benefits during reemployment; to provide an effective date; and to provide
5 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(D) is hereby amended and reenacted and R.S. 11:710(A)(4)
11 is hereby enacted to read as follows:

12 §710. Employment of retirees

13 A. For purposes of this Section, "retired teacher" shall mean any of the
14 following:

15 * * *

16 (4) A retired member who has a valid Louisiana teaching certificate who
17 returns to active service covered by the provisions of this Chapter who is assigned
18 the professional activities of instructing adults through an adult education or literacy

1 program administered through a public institution of elementary or secondary
2 education. Such individual's earnings from his return to active service shall not
3 exceed twenty-five percent of his benefit during any fiscal year. If actual earnings
4 exceed this amount in any fiscal year, the benefits payable to the retiree shall be
5 reduced by the amount in excess of twenty-five percent of his benefit.

6 * * *

7 D. When any retiree returns to active service with an employer covered by
8 the provisions of this Chapter, the employing agency shall, within thirty days
9 thereafter, notify the board of trustees in writing of such employment, the date on
10 which employment commenced, and a determination by the employer as to whether
11 such person is a "retired teacher" pursuant to Subsection A of this Section. Upon
12 termination, the agency shall provide the same notice. In addition, the employing
13 agency shall also report to the retirement system within forty-five days after June
14 thirtieth of each year, the name of all persons being paid by the employing agency,
15 their social security numbers, their designation as part-time or full-time, and the
16 amount of their earnings during the previous fiscal year ending on June thirtieth of
17 the reporting year. Should failure to give notice of return to active service result in
18 any payment being made in violation of this Section, the employing agency shall be
19 liable to the system for the repayment of such amounts.

20 * * *

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

23 Section 3. This Act shall become effective on July 1, 2011; if vetoed by the governor
24 and subsequently approved by the legislature, this Act shall become effective on July 1,
25 2011, or on the day following such approval by the legislature, whichever is later.

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)]

Gary Smith

HB No. 369

Abstract: Relative to the Teachers' Retirement System of La. (TRSL), allows a reemployed retiree to receive a retirement benefit during reemployment if he returns to TRSL-covered employment instructing adults through an adult education or literacy program.

Present law prohibits any TRSL retiree other than a "retired teacher" from receiving a retirement benefit while reemployed. Provides that anyone other than a "retired teacher" shall have his benefit suspended during reemployment. Defines "retired teacher" as:

- (1) Any retired member who returns to work full time or part time as a classroom teacher offering instructional services to any student in grades K through 12 in a "critical shortage area".
- (2) Any other retired member reemployed on or before June 30, 2010.
- (3) Any retired member who returns to active service as a full-time certified speech therapist, speech pathologist, or audiologist whose position of employment requires a valid La. ancillary certificate approved and issued by the state Dept. of Education in a school district where a shortage exists.

Proposed law adds to the definition of "retired teacher", and therefore to the list of reemployed retirees who may receive a benefit during reemployment, any retiree reemployed to teach in an adult education or literacy program administered through a K through 12 school.

Proposed law provides that the earnings of any such person shall not exceed 25% of his retirement benefit in any fiscal year. If earnings exceed this amount, such person's retirement benefit will be reduced by the amount in excess of the 25%.

Present law requires an employer to submit to TRSL certain information after the end of each fiscal year, including the name of all persons being paid by the employing agency, their social security numbers, and the amount of their earnings during the previous fiscal year.

Proposed law requires additionally that the employer report to TRSL an employee's status as part-time or full-time.

Proposed law requires that any cost of proposed law be funded with additional employer contributions in compliance with Art. X, Sec. 29(F) of the Const. of La.

Effective July 1, 2011.

(Amends R.S. 11:710(D); Adds R.S. 11:710(A)(4))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Changes proposed law from allowing a TRSL retiree to receive a retirement benefit upon being reemployed on a part-time basis to allowing a retiree reemployed on a part-time basis as an instructor in an adult education or literacy program administered through a K through 12 school to receive a benefit during reemployment.

House Floor Amendments to the engrossed bill.

1. Changes the limitations under which a TRSL retiree reemployed as an instructor in an adult education or literacy program administered through a K through 12 school may receive a retirement benefit upon reemployment under proposed law. Changes from a 20 hour per week limitation on reemployment to reemployment earnings being limited to 25% of such teacher's retirement benefit.