

SENATE BILL NO. 19

BY SENATORS CORTEZ AND WALSWORTH AND REPRESENTATIVE  
HOFFMANN

1 AN ACT

2 To amend and reenact R.S. 11:710(A)(1), (B)(1)(a), (C)(2), and (D), to enact R.S.  
3 11:710(A)(5), (6), and (7) and to repeal R.S. 11:710(H), relative to the Teachers'  
4 Retirement System of Louisiana; to provide for definitions; to allow certain retirees  
5 reemployed as substitute teachers to receive benefits during reemployment; to allow  
6 certain retirees reemployed as an instructor of adult education or literacy program  
7 to receive benefits during reemployment; to provide limitations; to provide for an  
8 effective date; and to provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:710(A)(1), (B)(1)(a), (C)(2) and (D) are hereby amended and  
12 reenacted and R.S. 11:710(A)(5), (6), and (7) are hereby enacted to read as follows:

13 §710. Employment of retirees

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

16 (1) A retired member who returns to active service covered by the provisions  
17 of this Chapter as a full-time or part-time classroom teacher who teaches any student  
18 in kindergarten through twelfth grade in a critical teacher shortage area. For  
19 purposes of this Paragraph, "critical shortage area" shall mean any subject area  
20 where a shortage of certified teachers exists in that subject area, subject to the  
21 provisions of Subsection F of this Section. For purposes of this ~~Paragraph~~ **Section**,  
22 "classroom teacher" shall mean any employee, whose position of employment  
23 requires a valid Louisiana teaching certificate and who is assigned the professional  
24 activities of instructing pupils in courses in classroom situations for which daily  
25 pupil attendance figures for the school system are kept. Such classroom situations  
26 may include teaching in a school classroom or in other settings such as a home or

1 hospital or other learning situations such as cocurricular activities, which instruction  
 2 may be provided in person or through an approved medium such as television, radio,  
 3 computer, Internet, multimedia telephone, and correspondence that is delivered  
 4 inside or outside the classroom or in other teacher-student settings.

5 \* \* \*

6 (5) A retired member who returns to active service covered by the  
 7 provisions of this Chapter as a substitute classroom teacher who teaches any  
 8 student in pre-kindergarten through twelfth grade. For purposes of this  
 9 Paragraph "substitute classroom teacher" shall mean a classroom teacher  
 10 employed in a temporary capacity to fill the position of another classroom  
 11 teacher who is unavailable to teach for any reason. Such substitute classroom  
 12 teacher's earnings from his return to active service shall not exceed twenty-five  
 13 percent of his benefit during any fiscal year. If actual earnings exceed this  
 14 amount in any fiscal year, the benefits payable to the retiree shall be reduced  
 15 by the amount in excess of twenty-five percent of his benefit.

16 (6) A retired member who holds an advanced degree in speech therapy,  
 17 speech pathology, or audiology.

18 (7) A retired member who has a valid Louisiana teaching certificate who  
 19 returns to active service covered by the provisions of this Chapter who is  
 20 assigned the professional activities of instructing adults through an adult  
 21 education or literacy program administered through a public institution of  
 22 elementary or secondary education. Such individual's earnings from his return  
 23 to active service shall not exceed twenty-five percent of his benefit during any  
 24 fiscal year. If actual earnings exceed this amount in any fiscal year, the benefits  
 25 payable to the retiree shall be reduced by the amount in excess of twenty-five  
 26 percent of his benefit.

27 B.(1)(a) Any retired teacher who returns to active service covered by the  
 28 provisions of this Chapter within the twelve-month period immediately following the  
 29 effective date of such retirement shall have his retirement benefits suspended for the  
 30 duration of such active service or the lapse of twelve months from the effective date

1 of his retirement, whichever occurs first, even if such service is based on  
 2 employment by contract or corporate contract. **If any retired member returns to**  
 3 **active service in a position qualifying him as a retired teacher under more than**  
 4 **one provision of this Section providing for earning limitations, the most**  
 5 **restrictive earnings limitation shall apply to the total earnings of the retired**  
 6 **teacher for all such positions in a fiscal year.**

7 \* \* \*

8 C.

9 \* \* \*

10 (2) Any retired member not considered a retired teacher as defined in  
 11 Subsection A of this Section shall have his benefit suspended for the duration of his  
 12 period of reemployment in such position **even if such reemployment is based on**  
 13 **employment by contract or corporate contract.** Such member and his employer  
 14 shall not make contributions to the system during such time, and he shall receive no  
 15 additional service credit nor accrue any additional retirement benefits.

16 \* \* \*

17 D. When any retiree returns to active service with an employer covered by  
 18 the provisions of this Chapter, the employing agency shall, within thirty days  
 19 thereafter, notify the board of trustees in writing of such employment, the date on  
 20 which employment commenced, and a determination by the employer as to whether  
 21 such person is a "retired teacher" pursuant to Subsection A of this Section. Upon  
 22 termination, the agency shall provide the same notice. In addition, the employing  
 23 agency shall also report to the retirement system within forty-five days after June  
 24 thirtieth of each year, the name of all persons being paid by the employing agency  
 25 **and all persons having received a benefit pursuant to the provisions of this**  
 26 **Section, their along with such individuals' social security numbers, their positions,**  
 27 **their designation as part-time or full-time,** and the amount of their earnings during  
 28 the previous fiscal year ending on June thirtieth of the reporting year. **Additionally,**  
 29 **the employing agency shall transmit a monthly contributions report pursuant**  
 30 **to R.S. 11:888(A). Such monthly reports shall be transmitted within thirty days**

1 of the last day of each month and shall include the salary paid to all individuals  
2 identified as a "retired teacher" pursuant to Subsection A of this Section.

3 Should failure to give notice of return to active service or failure to report any  
4 other information required by this Section result in any payment being made in  
5 violation of this Section, the employing agency shall be liable to the system for the  
6 repayment of such amounts.

7 \* \* \*

8 Section 2. R.S. 11:710(H) is hereby repealed in its entirety.

9 Section 3. The cost of this Act, if any, shall be funded with additional employer  
10 contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

11 Section 4. This Act shall become effective on July 1, 2012; if vetoed by the governor  
12 and subsequently approved by the legislature, this Act shall become effective on July 1,  
13 2012, or on the day following such approval by the legislature, whichever is later.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_