SLS 22RS-588

ORIGINAL

2022 Regular Session

SENATE BILL NO. 425

BY SENATOR WARD

TEACHERS RETIREMENT. Provides for reemployment of retirees to address certain critical teacher shortages. (2/3 - CA10s29(E)) (gov sig)

1	AN ACT
2	To amend and reenact R.S. $11:710(F)(1)$ and (G) and the introductory paragraph of $710.1(A)$
3	and to enact R.S. 11:710.1(F), relative to critical teacher shortages; to provide for
4	reemployment of retirees of the Teachers' Retirement System of Louisiana; to
5	provide relative to benefit suspension; to provide for applicability; to provide an
6	alternative critical shortage certification process; to provide for an effective date; and
7	to provide for related matters.
8	Notice of intention to introduce this Act has been published.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 11:710(F)(1) and (G) and the introductory paragraph of 710.1(A) are
11	hereby amended and reenacted and R.S. 11:710.1(F) is hereby enacted to read as follows:
12	§710. Employment of retirees
13	* * *
14	F.(1)(a) A retiree who is employed in a critical shortage position shall not
15	receive a benefit during the period of his reemployment as provided in this Section
16	unless and until the Board of Elementary and Secondary Education and the board of
17	trustees of this system have received certification that a critical shortage exists. Prior

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1 to making such certification for any full-time critical shortage position, the employer 2 shall cause to be advertised in the official journal of the employer's governing authority, on two separate occasions, notice that a shortage of certified teachers 3 exists and the positions sought to be filled. Additionally, the employer shall cause 4 5 notice to be posted at the career development office, or similar such entity, of every post-secondary institution within a one hundred twenty-mile radius of the employer's 6 7 governing authority. If a certified applicant who is not a retiree applies for an 8 advertised position, such person shall be hired before any certified retiree is 9 employed, unless fewer than three applicants have applied for the position each of 10 whom is certified in the critical shortage area being filled.

11(b) Notwithstanding any provision of Subparagraph (a) of this12Paragraph to the contrary, for any position sought to be filled before July 1,132025, by employment of a retiree, the advertising and posting requirements of14Subparagraph (a) of this Paragraph shall be considered fulfilled if the employer15complies with all of the following:

16(i) Posts with the designated career development entities at the17beginning of each semester a general statement that the employer is soliciting18applications for future employment of certified teachers.

19(ii) Advertises at least once per month in the official journal of the20employer's governing authority that the employer is soliciting applications for21future employment of certified teachers.

22(iii) Prominently displays a listing of positions that are unfilled or that23are filled by reemployed retirees on the website of the employer's governing24authority and of the employer, if the employer maintains a separate website.

G. Notwithstanding any other provision of law to the contrary, the provisions
of this Section shall be applicable only to a retiree who returns to active service with
an employer covered by the provisions of this Chapter retired on or before June 30,
2020, and any retiree covered under Subparagraph (A)(6)(a) of this Section.

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1	§710.1. Employment of retirees on or after July 1, 2020
2	A. Except as otherwise provided in this Section, any retiree who returns to
3	active service with an employer covered by the provisions of this Chapter who
4	retired on or after July 1, 2020, shall for that period of employment choose one of
5	the following irrevocable options, which shall be made in writing and filed with the
6	appropriate officer of the employer:
7	* * *
8	F. Any retiree who retired on or before June 30, 2020, and who returned
9	to active service under the provisions of this Section may elect to be reemployed
10	pursuant to the provisions of R.S. 11:710. The retiree shall submit to his
11	employer a form provided by the system noting his decision to have his
12	reemployment covered by the provisions of R.S. 11:710.
13	Section 2. The cost of this Act, if any, shall be funded with additional employer
14	contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.
15	Section 3. 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 by 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.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by LG Sullivan.

	DIGEST	
SB 425 Original	2022 Regular Session	Ward

<u>Present law</u> governs the payment of benefits to retirees of the Teachers' Retirement System of Louisiana (Teachers') including retirees who return to work in positions covered by the retirement system. <u>Present law</u> generally requires payment of a retiree's benefit to be suspended for the duration of reemployment with some exceptions. Requires suspension of benefit without exception for any reemployment within the first 12 months of retirement. Requires payment of employee contributions during reemployment. Provides for refund of employee contributions without interest after the reemployment ends.

Proposed law retains present law.

One <u>present law</u> exception (commonly referred to as "critical shortage") allows the receipt of retirement benefits without suspension for the duration of reemployment if all of the following apply to the retiree:

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- (1) He retired on or before June 30, 2010, <u>OR</u> retired after that date and returned to a Teachers'-covered position on or before June 30, 2020.
- (2) He is employed to fill a position certified as a critical shortage position.
- (3) He is certified to teach in the critical shortage area.

<u>Present law</u>, applicable to anyone who retired after June 30, 2010, and who first returned to work in a Teachers'-covered position after June 30, 2020, does not contain a critical shortage provision.

<u>Present law</u> provides a process by which an employer certifies that a critical shortage exists. Requires the employer to advertise twice in the locality's official journal and to post notice at each post-secondary institution within a 120-mile radius of the employer's governing authority.

Proposed law generally retains present law. Proposed law additionally:

- (1) Applies present critical shortage law to any certified retiree, not just to one certified in the critical shortage area.
- (2) Allows anyone who retired before July 1, 2020, to be rehired under present critical shortage law.
- (3) Until July 1, 2025, allows the employer to fulfill the advertising and posting requirements of <u>present law</u> by (a) posting notice each semester at the specified post-secondary institutions and advertising monthly in the official journal that the employer is soliciting applications for future employment of certified teachers and (b) prominently displaying a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.

<u>Proposed law</u> provides that any cost of <u>proposed law</u> shall be funded with increased employer contributions in compliance with provisions of <u>present constitution</u>.

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

(Amends R.S. 11:710(F)(1) and (G) and 710.1(A)(intro para); adds R.S. 11:710.1(F))