

2020 Second Extraordinary Session

HOUSE BILL NO. 36

BY REPRESENTATIVE BACALA

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

1 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 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 * * *

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

Proposed law provides exceptions to present law 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.

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

Present law 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. Proposed law provides an exception to present law 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)