

2022 Regular Session

SENATE BILL NO. 434

BY SENATOR FIELDS

TEACHERS RETIREMENT. Provides relative to the reemployment of retirees to meet critical shortage needs. (2/3 - CA10s29(F)) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 11:710(F)(1) and (G) and the introductory paragraph of R.S.
3 11:710.1(A) and to enact R.S. 11:710(H) and 710.1(F), relative to critical teacher
4 shortages; to provide for employment of retirees of the Teachers' Retirement System
5 of Louisiana; to allow a retiree to return to work without suspension or reduction of
6 benefit in certain circumstances; to provide for application; to provide for
7 determinations and reporting; to provide for an effective date; and to provide for
8 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(F)(1) and (G) and the introductory paragraph of R.S.
12 11:710.1(A) are hereby amended and reenacted and R.S. 11:710(H) and 710.1(F) are hereby
13 enacted to read as follows:

14 §710. Employment of retirees

15 * * *

16 F.(1)(a) A retiree who is employed in a critical shortage position shall not
17 receive a benefit during the period of his reemployment as provided in this Section

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

13 **(b) Notwithstanding any provision of Subparagraph (a) of this**
14 **Paragraph to the contrary, for any position sought to be filled before July 1,**
15 **2025, by employment of a retiree, the advertising and posting requirements of**
16 **Subparagraph (a) of this Paragraph shall be considered fulfilled if the employer**
17 **complies with all of the following:**

18 **(i) Posts with the designated career development entities of the**
19 **postsecondary institutions within a one hundred twenty-mile radius of the**
20 **employer's governing authority at the beginning of each semester a general**
21 **statement that the employer is soliciting applications for future employment of**
22 **certified teachers.**

23 **(ii) Advertises at least once per month in the official journal of the**
24 **employer's governing authority that the employer is soliciting applications for**
25 **future employment of certified teachers.**

26 **(iii) Prominently displays a listing of positions that are unfilled or that**
27 **are filled by reemployed retirees on the website of the employer's governing**
28 **authority and of the employer, if the employer maintains a separate website.**

29 * * *

1 Section as provided in Subsection B of this Section. Any retiree who elects to be
2 reemployed pursuant to the provisions of R.S. 11:710 and who subsequently
3 elects to be covered by the provisions of this Section as provided in Subsection
4 B of this Section shall thereafter be covered exclusively by the provisions of this
5 Section.

6 Section 2. The cost of Section 1 of this Act, if any, shall be funded with additional
7 employer contributions in compliance with Article X, Section 29(F) of the Constitution of
8 Louisiana.

9 Section 3. The Department of Education shall undertake a study to determine
10 whether the critical shortages suffered by schools participating in the Teachers'
11 Retirement System of Louisiana are suffered to the same degree by schools that are not
12 participating employers of the system. The department shall ascertain the causes of the
13 shortages, and, if the shortages are not substantially the same, the department shall
14 ascertain the reasons for the disparity. In either case, the department shall propose
15 policy changes that will reduce or eliminate the shortages in both the long and short
16 term. The department shall submit its findings and proposed policy changes to the
17 House and Senate committees on retirement and the House and Senate committees on
18 education by January 20, 2023.

19 Section 4. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 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.

Present law 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. Present law 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 employer and employee contributions during reemployment. Provides for refund of employee contributions without interest after the reemployment ends.

Proposed law retains present law.

One present law 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:

- (1) He retired on or before June 30, 2010, OR 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.

Present law, 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.

Present critical shortage law requires the employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage. 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 law.
- (3) Until July 1, 2025, allows the employer to fulfill the advertising and posting requirements of present law 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.
- (4) Until July 1, 2025, allows an employer to hire a retiree certified in math, science, English language arts, or special ed excluding gifted and talented to fill a position in the certified area without complying with the advertising and posting requirements in present law.
- (5) Requires the Dept. of Education to determine whether non-Teachers' schools are having the same critical shortage issues, to find the reasons for the shortages and for any disparity if those non-Teachers' schools are not having shortages, and to propose policy changes that will reduce or eliminate the shortages. Requires a report of findings and proposals by Jan. 20, 2023.

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(H) and 710.1(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Retirement to the original bill

1. Make technical changes.
2. Until July 1, 2025, allow the employer to fulfill the advertising and posting requirements of present law 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.