

SENATE BILL NO. 20

BY SENATORS LONG, ALARIO, AMEDEE, BROOME, BROWN, CROWE, DORSEY-COLOMB, GUILLORY, MURRAY, GARY SMITH, THOMPSON AND WARD AND REPRESENTATIVES BROWN, ARMES, BILLIOT, WESLEY BISHOP, BOUIE, BURFORD, HENRY BURNS, BURRELL, CHANEY, COX, EDWARDS, FOIL, GISCLAIR, GUILLORY, HALL, HARRISON, HAVARD, HAZEL, HILL, HOFFMANN, HOWARD, IVEY, JACKSON, JEFFERSON, JONES, LEBAS, MIGUEZ, MONTOUCET, PIERRE, POPE, PRICE, REYNOLDS, RITCHIE, SCHRODER, SHADOIN, THIBAUT, PATRICK WILLIAMS, WILLMOTT AND WOODRUFF

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

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AN ACT

To amend and reenact R.S. 11:710, relative to employment of retirees of the Teachers' Retirement System of Louisiana; to allow certain retirees reemployed in certain positions to receive benefits during reemployment; to provide limitations; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:710 is hereby amended and reenacted to read as follows:

§710. Employment of retirees

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

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

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

6 (2) A retired member who returns to active service as a full-time certified  
7 speech therapist, speech pathologist, or audiologist whose position of employment  
8 requires a valid Louisiana ancillary certificate approved and issued by the state  
9 Department of Education in a school district where a shortage exists.

10 (3) A retired member who returns to active service covered by the provisions  
11 of this Chapter on or before June 30, 2010.

12 (4) A retired member who returns to active service covered by the provisions  
13 of this Chapter who retired on or after May 1, 2009, and on or before June 30, 2010,  
14 in a position requiring a valid Louisiana teaching certificate or a valid Louisiana  
15 ancillary certificate.

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

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

27 (7) A retired member who has a valid Louisiana teaching certificate who  
28 returns to active service covered by the provisions of this Chapter who is assigned  
29 the professional activities of instructing adults through an adult education or literacy  
30 program administered through a public institution of elementary or secondary

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

5           ~~(8) A retired member who returns to active service covered by the provisions~~  
 6           ~~of this Chapter as an adjunct professor. For purposes of this Paragraph "adjunct~~  
 7           ~~professor" shall mean part-time faculty, including instructors, assistant professors,~~  
 8           ~~associate professors, and professors, assigned the professional activities of~~  
 9           ~~instructing pupils or conducting research at a public institution of postsecondary~~  
 10          ~~education. Such instruction may be provided in person or through an approved~~  
 11          ~~medium such as television, radio, computer, Internet, multimedia telephone, or~~  
 12          ~~correspondence and may be delivered inside or outside the classroom or in other~~  
 13          ~~teacher-student settings. Such an adjunct professor's earnings from his return to~~  
 14          ~~active service shall not exceed twenty-five percent of his benefit during any fiscal~~  
 15          ~~year. If actual earnings exceed this amount in any fiscal year, the benefits payable~~  
 16          ~~to the retiree shall be reduced by the amount in excess of twenty-five percent of his~~  
 17          ~~benefit.~~ **Definitions.**

18           **As used in this Section, the following words and phrases shall have the**  
 19           **following meanings, unless a different meaning is clearly required by the**  
 20           **context:**

21           **(1) "Adjunct professor" means any part-time faculty, including any**  
 22           **instructor, assistant professor, associate professor, or professor, assigned the**  
 23           **professional activities of instructing pupils or conducting research at a public**  
 24           **institution of postsecondary education. Instruction may be provided in person**  
 25           **or through an approved medium such as television, radio, computer, Internet,**  
 26           **multimedia telephone, or correspondence and may be delivered inside or**  
 27           **outside the classroom or in other teacher-student settings.**

28           **(2) "Classroom teacher" means any employee, whose position of**  
 29           **employment requires a valid Louisiana teaching certificate and who is assigned**  
 30           **the professional activities of instructing pupils in courses in classroom situations**

1 for which daily pupil attendance figures for the school system are kept or is  
2 assigned to proctor admission, evaluation, or assessment testing; however, such  
3 proctoring shall not be considered a subject area for the purposes of Paragraph  
4 (3) of this Subsection. Such classroom situations may include teaching in school  
5 classrooms or in other settings such as homes or hospitals or other learning  
6 situations including cocurricular activities. Instruction may be provided in  
7 person or through an approved medium such as television, radio, computer,  
8 Internet, multimedia telephone, or correspondence and may be delivered inside  
9 or outside the classroom or in other teacher-student settings.

10 (3) "Critical shortage" means any situation where there exists a shortage  
11 of certified teachers in a certain subject area or a shortage of certified speech  
12 therapists, speech pathologists, audiologists, educational diagnosticians, school  
13 social workers, or school counselors, as further provided in this Section.

14 (4) "Reemployment-eligible critical shortage position" or "critical  
15 shortage position" means any of the following:

16 (a) A position for a full-time or part-time classroom teacher who teaches  
17 any student in kindergarten through twelfth grade in a school where a critical  
18 shortage exists.

19 (b) A position for a full-time certified speech therapist, speech  
20 pathologist, audiologist, educational diagnostician, school social worker, or  
21 school counselor whose position of employment requires a valid Louisiana  
22 ancillary certificate approved and issued by the state Department of Education  
23 in a school district where a critical shortage exists.

24 (5) "Reemployment-eligible position" means any of the following:

25 (a) A position for a substitute classroom teacher who teaches any student  
26 in pre-kindergarten through twelfth grade.

27 (b) A position assigned to the professional activities of instructing adults  
28 through an adult education or literacy program administered through a public  
29 institution of elementary or secondary education, provided the retiree has a  
30 valid Louisiana teaching certificate.

1 (c) A position for an adjunct professor.

2 (6) "Reemployment-eligible retiree" means any of the following:

3 (a) A member who was retired on or before June 30, 2010.

4 (b) A retiree who holds an advanced degree in speech therapy, speech  
5 pathology, or audiology.

6 (7) "Retired teacher" means any of the following:

7 (a) A person reemployed in a reemployment-eligible position as defined  
8 in Paragraph (4) or (5) of this Subsection.

9 (b) A reemployment-eligible retiree as defined in Paragraph (6) of this  
10 Subsection.

11 (8) "Substitute classroom teacher" means any classroom teacher  
12 employed in a temporary capacity to fill the position of another classroom  
13 teacher who is unavailable to teach or to proctor tests for any reason.

14 B.(1)(a) Any retired teacher who returns to active service covered by the  
15 provisions of this Chapter within the twelve-month period immediately following the  
16 effective date of such retirement shall have his retirement benefits suspended for the  
17 duration of such active service or the lapse of twelve months from the effective date  
18 of his retirement, whichever occurs first, even if such service is based on  
19 employment by contract or corporate contract. ~~If any retired member returns to~~  
20 ~~active service in a position qualifying him as a retired teacher retiree under more~~  
21 ~~than one provision of this Section providing for earning limitations, the most~~  
22 ~~restrictive earnings limitation shall apply to the total earnings of the retired teacher~~  
23 ~~retiree for all such positions in a fiscal year.~~

24 (b) The earnings of any retiree returning to active service in a  
25 reemployment-eligible position shall not exceed twenty-five percent of his  
26 benefit during any fiscal year. If actual earnings exceed this amount in any  
27 fiscal year, the benefits payable to the retiree shall be reduced by the amount  
28 in excess of twenty-five percent of his benefit.

29 (c) If any retiree returns to active service in a position defined in more  
30 than one subparagraph of Paragraph (A)(5) of this Section providing for

1 earnings limitations, the most restrictive earnings limitation shall apply to the  
 2 total earnings of the retiree for all such positions in a fiscal year.

3 (d) If the reemployment of a retired teacher is based on an agreement  
 4 between the retired teacher and his employer where such agreement was perfected  
 5 prior to ~~such teacher's~~ the retiree's effective date of retirement and where the  
 6 agreement allows for ~~such a teacher~~ the retiree to become reemployed within twelve  
 7 months immediately following the effective date of ~~the teacher's~~ his retirement, ~~such~~  
 8 ~~teacher~~ the retiree shall not be eligible to receive retirement benefits for the twelve-  
 9 month period immediately following the effective date of such reemployment,  
 10 regardless of whether such agreement is express or implied. The provisions of this  
 11 Subparagraph shall be applied prospectively beginning on July 1, 2001.

12 ~~(c) The twelve-month period immediately following the effective date of a~~  
 13 ~~retired teacher's retirement shall be known as the "waiting period".~~

14 ~~(2) Any retired teacher~~ No person who retires based on a disability shall ~~not~~  
 15 be authorized to return to service pursuant to the provisions of this Section.  
 16 Disability retirees shall be covered by the provisions of this Chapter applicable to  
 17 disability retirees.

18 C.(1) During the period of his return to active service, the retired teacher and  
 19 his employer shall make contributions to the retirement system as provided by this  
 20 Chapter, but ~~such teacher~~ the retiree shall receive no additional service credit ~~nor~~  
 21 and shall not accrue any additional retirement benefits in the retirement system.  
 22 Upon termination of ~~such~~ active service, the retired teacher shall, upon application,  
 23 be refunded the employee contributions paid since reemployment. The refund shall  
 24 be without interest. The retirement system shall retain the employer contributions.

25 (2) Any retired member not considered a retired teacher as defined in  
 26 ~~Subsection A~~ Paragraph (A)(7) of this Section who returns to active service with  
 27 an employer covered by the provisions of this Chapter shall have his benefit  
 28 suspended for the duration of his period of reemployment ~~in such position~~ even if  
 29 such reemployment is based on employment by contract or corporate contract. ~~Such~~  
 30 ~~member~~ The retiree and his employer shall not make contributions to the system

1 during such time, and he shall receive no additional service credit ~~nor~~ **and shall not**  
2 accrue any additional retirement benefits.

3 ~~(3) The provisions of this Subsection shall not apply to any retiree~~  
4 ~~reemployed in a part-time position with the Louisiana High School Athletic~~  
5 ~~Association on June 27, 2003.~~

6 D. When any retiree returns to active service with an employer covered by  
7 the provisions of this Chapter, the employing agency shall, within thirty days  
8 thereafter, notify the board of trustees in writing of such employment, the date on  
9 which employment commenced, and a determination by the employer as to whether  
10 such person is a "retired teacher" pursuant to ~~Subsection A~~ **Paragraph (A)(7)** of this  
11 Section. Upon termination, the agency shall provide the same notice. In addition,  
12 the employing agency shall also report to the retirement system within forty-five  
13 days after June thirtieth of each year, the ~~name~~ **names** of all persons being paid by  
14 the employing agency and all persons having received a benefit pursuant to the  
15 provisions of this Section, along with such individuals' social security numbers, their  
16 positions, their ~~designation~~ **designations** as part-time or full-time, and the amount  
17 of their earnings during the previous fiscal year ending on June thirtieth of the  
18 reporting year. Additionally, the employing agency shall transmit a monthly  
19 contributions report pursuant to R.S. 11:888(A). Such monthly reports shall be  
20 transmitted within thirty days of the last day of each month and shall include the  
21 salary paid to ~~all individuals~~ **each individual** identified as a "retired teacher"  
22 pursuant to ~~Subsection A~~ **Paragraph (A)(7)** of this Section. Should failure to give  
23 notice of return to active service or failure to report any other information required  
24 by this Section result in any payment being made in violation of this Section, the  
25 employing agency shall be liable to the system for the repayment of such amounts.

26 E.(1) The salary of any retired teacher who is reemployed pursuant to the  
27 provisions of this Section shall be based on the salary schedule which accounts for  
28 all prior years of teaching service and pertinent experience.

29 (2) The status of any retired teacher who is reemployed pursuant to the  
30 provisions of this Section shall be the same as a full-time active employee and shall

1 be governed by the applicable rules, procedures, policies, and statutes that apply to  
2 all such full-time active employees.

3 F. No "~~retired teacher~~" as defined in Paragraph (A)(1) of this Section shall  
4 receive a benefit during the period of his reemployment as provided in this Section  
5 unless and until the superintendent and personnel director of his employing school  
6 have certified to the Board of Elementary and Secondary Education and the board  
7 of trustees of this system that a shortage of teachers exists in the critical shortage  
8 area in which the retired teacher was hired to teach. Prior to making such  
9 certification for any full-time teaching position, the employer shall cause to be  
10 advertised in the official journal of the employer's governing authority, on two  
11 separate occasions, notice that a shortage of certified teachers exists and the positions  
12 sought to be filled. If a certified applicant who is not a retiree applies for an  
13 advertised position, such person shall be hired before any certified retired teacher is  
14 employed, unless fewer than three teachers have applied for the position each of  
15 whom are certified in the critical shortage area being filled.

16 G. No "~~retired teacher~~" as defined in Paragraph (A)(2) of this Section shall  
17 receive a benefit during the period of his reemployment as provided in this Section  
18 unless and until the employing school board has certified to the Board of Elementary  
19 and Secondary Education and the board of trustees of this system that a shortage of  
20 speech therapists, speech pathologists or audiologists exists in the school district  
21 where reemployed. **A retiree who is employed in a critical shortage position shall**  
22 **not receive a benefit during the period of his reemployment as provided in this**  
23 **Section unless and until the Board of Elementary and Secondary Education and**  
24 **the board of trustees of this system have received certification that a critical**  
25 **shortage exists. Prior to making such certification for any full-time critical**  
26 **shortage position, the employer shall cause to be advertised in the official**  
27 **journal of the employer's governing authority, on two separate occasions, notice**  
28 **that a shortage of certified teachers exists and the positions sought to be filled.**  
29 **Additionally, the employer shall cause notice to be posted at the career**  
30 **development office, or similar such entity, of every post-secondary institution**

1           within a one hundred twenty-mile radius of the employer's governing authority.  
 2           If a certified applicant who is not a retiree applies for an advertised position,  
 3           such person shall be hired before any certified retiree is employed, unless fewer  
 4           than three applicants have applied for the position each of whom is certified in  
 5           the critical shortage area being filled.

6                   (1) On an annual basis, the superintendent and personnel director of the  
 7                   school employing a retiree who returns to active service in a position defined in  
 8                   Subparagraph (A)(4)(a) of this Section shall certify a critical shortage area to  
 9                   the Board of Elementary and Secondary Education and the board of trustees  
 10                   of this system.

11                   (2) On an annual basis, the employing school board for a retiree who  
 12                   returns to active service in a position defined in Subparagraph (A)(4)(b) of this  
 13                   Section shall certify to the Board of Elementary and Secondary Education and  
 14                   the board of trustees of this system that a critical shortage of speech therapists,  
 15                   speech pathologists, audiologists, educational diagnosticians, school social  
 16                   workers, or school counselors exists in the school district.

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

19           Section 3. This Act shall become effective on June 30, 2015; if vetoed by the  
 20           governor and subsequently approved by the legislature, this Act shall become effective on  
 21           June 30, 2015, or on the day following such approval by the legislature, whichever is later.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

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