
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Cortez

HB No. 519

Abstract: Relative to the Teachers' Retirement System of Louisiana (TRSL), prohibits retirees from receiving retirement benefits during the period of reemployment unless such retirees are reemployed as classroom teachers in grades K through 12 in the areas of mathematics, biology, chemistry, physics, or special education.

Present law (R.S. 11:710) allows any member of TRSL who retires and returns to active TRSL-covered employment to receive retirement benefits after a 12-month waiting period following the effective date of his retirement.

Proposed law prohibits anyone other than a "retired teacher", as defined by proposed law, from receiving a retirement benefit pursuant to present law while reemployed. Provides that anyone other than a "retired teacher" shall have his benefit suspended during reemployment. Defines "retired teacher" as:

- (1) Any retired member of TRSL who returns to work full-time or part-time as a classroom teacher offering instructional services to any student in grades K through 12 in the area of mathematics, biology, chemistry, physics, or special education.
- (2) Any other retired member receiving a benefit as of July 1, 2010.
- (3) Any retired member of TRSL who returns to work as an administrator in a school where a shortage of administrators exists.

Present law requires employers to submit certain information regarding reemployed retirees to the retirement system within 10 days of their reemployment and to provide certain other information annually.

Proposed law changes the 10-day requirement of present law to 30 days. Additionally, provides that if the employer's failure to give notice of reemployment results in any erroneous payment of benefits, the employer shall be liable to the system for the repayment of such amounts.

Proposed law, in order for a retired teacher to receive benefits during the period of his reemployment, requires the superintendent and the personnel director of the employing school to certify to the Board of Elementary and Secondary Education and the TRSL board of trustees that a shortage of teachers exists in the area in which the retired teacher was hired to teach. Prior to certification, for any full-time teaching position, the employer shall advertise the position twice

in the official journal of the school's governing authority. Furthermore, non-retirees shall be given hiring preference over retirees. Proposed law provides similar certification requirements for reemployment of school administrators under proposed law.

Effective July 1, 2010.

(Amends R.S. 11:710)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Provided that proposed law's prohibition against a retired member of TRSL receiving benefits upon reemployment unless reemployed in a critical shortage area shall not apply to part-time teachers if reemployed in a critical shortage area.
2. Allowed retirees reemployed as librarians and guidance counselors to receive retirement benefits upon reemployment if reemployed to offer instructional services to students.
3. Changed the provisions allowing retired members to be grandfathered into present law and therefore receive retirement benefits during reemployment. Changes the requirements from requiring a retired member to be reemployed for 12 months as of July 1, 2010, to requiring a retired member to be receiving retirement benefits as of July 1, 2010.
4. Allowed reemployed school administrators to receive retirement benefits upon reemployment if reemployed in a school where a shortage of administrators exists. Provided for certification of shortage of administrators.
5. Provided that in addition to the superintendent, the personnel director for the school shall also certify that a critical shortage area exists in the school in order for provisions of proposed law to apply.
6. Provided that prior to making a certification that a critical shortage area exists in the school, the employer shall advertise the vacant teaching positions at least twice in the official journal of the school's governing authority. Also added that non-retirees shall be given hiring preference over retirees.