

Regular Session, 2010

HOUSE BILL NO. 519

BY REPRESENTATIVES CORTEZ, BOBBY BADON, BARROW, HENRY BURNS,
TIM BURNS, CARTER, CONNICK, GISCLAIR, HARDY, MICHAEL JACKSON,
KLECKLEY, LANDRY, LORUSSO, PEARSON, ROBIDEAUX, JANE SMITH,
PATRICIA SMITH, THIBAUT, AND TUCKER AND SENATOR WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 11:710, relative to reemployment of retirees in the Teachers'
3 Retirement System of Louisiana; to prohibit retirees reemployed in certain positions
4 from receiving benefits during the period of reemployment; to provide relative to
5 contributions during such period; to provide for an effective date; and to provide for
6 related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article X, Section 29(C) of the Constitution
9 of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

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

12 §710. Employment of retirees

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

15 (1) A retired member who returns to active service covered by the provisions
16 of this Chapter as a full-time or part-time classroom teacher who teaches any student
17 in kindergarten through twelfth grade in a critical teacher shortage area. For
18 purposes of this Paragraph, "critical shortage area" shall mean any subject area
19 where a shortage of certified teachers exists in that subject area, subject to the
20 provisions of Subsection F of this Section. For purposes of this Paragraph,
21 "classroom teacher" shall mean any employee, whose position of employment
22 requires a valid Louisiana teaching certificate and who is assigned the professional

1 activities of instructing pupils in courses in classroom situations for which daily
2 pupil attendance figures for the school system are kept. Such classroom situations
3 may include teaching in a school classroom or in other settings such as a home or
4 hospital or other learning situations such as cocurricular activities, which instruction
5 may be provided in person or through an approved medium such as television, radio,
6 computer, Internet, multimedia telephone, and correspondence that is delivered
7 inside or outside the classroom or in other teacher-student settings.

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

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

14 ~~▲ B.(1)(a) Any member of this system who retires and then~~ retired teacher
15 who returns to active service covered by the provisions of this Chapter within the
16 twelve-month period immediately following the effective date of such retirement
17 shall have his retirement benefits suspended for the duration of such active service
18 or the lapse of twelve months from the effective date of his retirement, whichever
19 occurs first, even if such service is based on employment by contract or corporate
20 contract.

21 (b) If the reemployment of a retired teacher is based on an agreement
22 between the retired teacher and his employer where such agreement was perfected
23 prior to ~~the~~ such teacher's effective date of retirement and where the agreement
24 allows for such a teacher to become reemployed within twelve months immediately
25 following the effective date of the teacher's retirement, such ~~reemployed~~ teacher
26 shall not be eligible to receive retirement benefits for the twelve-month period
27 immediately following the effective date of such reemployment, regardless of
28 whether such agreement is express or implied. The provisions of this Subparagraph
29 shall be applied prospectively beginning on July 1, 2001.

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

3 (2) Any ~~member of this system~~ retired teacher who retires based on a
4 disability shall not be authorized to return to service pursuant to the provisions of
5 this Section. Disability retirees shall be covered by the provisions of this Chapter
6 applicable to disability retirees.

7 ~~B C.~~(1) During the period of his return to active service, the ~~retiree~~ retired
8 teacher and his employer shall make contributions to the retirement system as
9 provided by this Chapter, but ~~the retiree~~ such teacher shall receive no additional
10 service credit nor accrue any additional retirement benefits in the retirement system.
11 Upon termination of such active service, the ~~member~~ retired teacher shall, upon
12 application, be refunded the employee contributions paid since reemployment. The
13 refund shall be without interest. The retirement system shall retain the employer
14 contributions.

15 (2) Any retired member not considered a retired teacher as defined in
16 Subsection A of this Section shall have his benefit suspended for the duration of his
17 period of reemployment in such position. Such member and his employer shall not
18 make contributions to the system during such time, and he shall receive no additional
19 service credit nor accrue any additional retirement benefits.

20 ~~(2)(3)~~ The provisions of this Subsection shall not apply to any retiree
21 reemployed in a part-time position with the Louisiana High School Athletic
22 Association on June 27, 2003.

23 ~~E D.~~ When any retiree returns to active service with an employer covered
24 by the provisions of this Chapter, the employing agency shall, within ~~ten~~ thirty days
25 thereafter, notify the board of trustees in writing of such employment, ~~and~~ the date
26 on which it employment commenced, ~~and~~ a determination by the employer as to
27 whether such person is a "retired teacher" pursuant to Subsection A of this Section.
28 Upon termination, the agency shall provide the same notice. In addition, ~~to the~~
29 ~~above notice~~, the employing agency shall also report to the retirement system within
30 forty-five days after June thirtieth of each year, the name of all persons being paid

1 by the employing agency, their social security numbers, and the amount of their
 2 earnings during the previous fiscal year ending on June thirtieth of the reporting year.
 3 Should failure to give notice of return to active service result in any payment being
 4 made in violation of this Section, the employing agency shall be liable to the system
 5 for the repayment of such amounts.

6 ~~Ð E.~~(1) The salary of any ~~retiree who is reemployed as a full-time teacher~~
 7 retired teacher who is reemployed pursuant to the provisions of this Section shall be
 8 based on the salary schedule which accounts for all prior years of teaching service
 9 and pertinent experience.

10 (2) The status of any ~~retiree~~ retired teacher who is reemployed pursuant to
 11 the provisions of this Section shall be the same as a full-time active employee and
 12 shall be governed by the applicable rules, procedures, policies, and statutes that
 13 apply to all such full-time active employees.

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

27 G. No "retired teacher" as defined in Paragraph (A)(2) of this Section shall
 28 receive a benefit during the period of his reemployment as provided in this Section
 29 unless and until the employing school board has certified to the Board of Elementary
 30 and Secondary Education and the board of trustees of this system that a shortage of

1 speech therapists, speech pathologists or audiologists exists in the school district
2 where reemployed.

3 H. By August 15, 2010, each employer shall report to the system and to the
4 House and Senate committees on retirement the names, positions, and salaries of
5 each person reemployed by such employer as of January 1, 2010, who was receiving
6 a retirement benefit pursuant to the provisions of this Section. Each calendar year
7 thereafter, by January fifteenth of such year, the employer shall report to the system
8 and to the House and Senate committees on retirement the names, positions, and
9 salaries of each person reemployed by such employer as of January first of that year
10 who was receiving a retirement benefit pursuant to the provisions of this Section.

11 Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor
12 and subsequently approved by the legislature, this Act shall become effective on July 1,
13 2010, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____