

SENATE BILL NO. 14

BY SENATOR PRICE AND REPRESENTATIVE OWEN

1 AN ACT

2 To enact R.S. 11:710.3 and to repeal R.S. 11:710, 710.1, and 710.2, relative to the Teachers'
3 Retirement System of Louisiana; to provide for reemployment of retired teachers;
4 to allow for a retirement benefit while working, subject to conditions; to provide for
5 earning limits; to provide for supplemental benefits; to provide for critical shortages;
6 to provide for reporting and notification requirements; to provide for employee and
7 employer contributions; to provide for service credits; to provide for definitions; to
8 provide for an effective date; and to provide for 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. 11:710.3 is hereby enacted to read as follows:

12 **§710.3. Reemployment of retired teachers and related provisions**

13 **A.(1) Any retiree who retired on or before June 30, 2010, and who**
14 **returns to active service with an employer covered by the provisions of this**
15 **Chapter, may receive a benefit during the period of his reemployment.**

16 **(2) Except as provided in Subsection B of this Section, any retiree who**
17 **is sixty-five years of age or older may receive a benefit during the period of his**
18 **reemployment. The provisions of this Paragraph shall apply beginning on the**
19 **first day of the month in which the retiree attains the age of sixty-five.**

20 **(3) The provisions of Subsections C and D of this Section shall not apply**
21 **to any retiree covered under this Subsection, provided however, that a retiree**
22 **to whom Paragraph (2) of this Subsection applies may elect to be governed by**
23 **the provisions of Paragraph (C)(3) of this Section. Any election to be covered by**
24 **the provisions of Paragraph (C)(3) of this Section shall be made in writing and**
25 **filed with the appropriate officer of the employer.**

26 **(4)(a) During the period of his return to active service, the retiree and his**
27 **employer shall make contributions to the retirement system as otherwise**

1 provided by law, but the retiree shall receive no additional service credits or
2 accrue any additional retirement benefits in the retirement system. Upon
3 termination of active service, the retiree shall, upon application, be refunded the
4 employee contributions paid since reemployment. The refund shall be without
5 interest. The retirement system shall retain the employer contributions.

6 (b) The provisions of this Paragraph shall not be applicable to any
7 retiree who elects to be governed by the provisions of Paragraph (C)(3) of this
8 Section.

9 B.(1) Any retiree who resumes active service under the provisions of this
10 Chapter within twelve months immediately following the effective date of his
11 retirement shall have his retirement benefits suspended. This suspension shall
12 remain in effect for the duration of the active service or until twelve months
13 have elapsed from the effective date of his retirement, whichever occurs first.

14 (2) No person who retires based on a disability shall be permitted to
15 return to active service pursuant to the provisions of this Section. Disability
16 retirees shall instead be covered by the provisions of law specifically applicable
17 to disability retirees.

18 C.(1) Except as provided in Subsections B and D of this Section, any
19 retiree who returns to active service with an employer covered by the provisions
20 of this Chapter shall, for that period of employment, be reemployed pursuant
21 to the provisions of Paragraph (2) of this Subsection, unless the retiree elects to
22 be covered by the provisions of Paragraph (3) of this Subsection. Any election
23 to be covered by the provisions of Paragraph (3) of this Subsection shall be
24 made in writing and filed with the appropriate officer of the employer.

25 (2)(a) Earnings limit. A retiree may be employed in any position covered
26 by this system during any fiscal year, provided that his earnings in such
27 employment do not exceed fifty percent of his original final average
28 compensation during that fiscal year. If the actual earnings of the retiree exceed
29 this amount in any fiscal year, the benefits payable to the retiree shall be
30 reduced by the amount in excess of fifty percent of his original final average

1 compensation.

2 **(b) During the period of his return to active service, the retiree and his**
3 **employer shall make contributions to the retirement system as otherwise**
4 **required by law, but the retiree shall receive no additional service credits or**
5 **accrue any additional retirement benefits in the retirement system. Upon**
6 **termination of active service, the retiree shall, upon application, be refunded the**
7 **employee contributions paid since reemployment. The refund shall be without**
8 **interest. The retirement system shall retain the employer contributions.**

9 **(3)(a) Supplemental benefit. Any retiree directly employed in a full-time**
10 **position covered by this system may request the immediate suspension of his**
11 **benefit, which may include all Deferred Retirement Option Plan and Initial**
12 **Lump-Sum Benefit distributions, and regain membership in the system effective**
13 **on the first day of reemployment. Upon such regaining of membership, the**
14 **retiree and his employer shall make contributions to the retirement system as**
15 **otherwise provided by law. Upon termination, the suspended retirement**
16 **allowance of the retiree shall be fully restored, effective the day after the**
17 **member terminates from service.**

18 **(b) The retiree shall be eligible for a supplemental benefit under this**
19 **option using the same computation formula applied to the retiree's original**
20 **retirement. If the retiree has been reemployed and contributed for less than**
21 **thirty-six months, the supplemental benefit shall be calculated using the**
22 **retiree's original final average compensation. If the retiree has been reemployed**
23 **and contributed for at least thirty-six months, the final average compensation**
24 **used to calculate the supplemental benefit shall be the greater of the retiree's**
25 **original final average compensation or his final average compensation since**
26 **reemployment.**

27 **(i) In no event shall the member receive duplicate credit for unused sick**
28 **and annual leave that was included in the computation of his original retirement**
29 **allowance.**

30 **(ii) The supplemental benefit shall be based on reemployment service**

1 credit only and shall not include any other specific amounts which may
2 otherwise be provided in the regular retirement benefit computation formula,
3 including sick and annual leave.

4 (c) A retiree shall not be eligible for subsequent retirement until ninety
5 days after resignation or termination from all employment covered by the
6 provisions of this Paragraph, as certified by the employer. The supplemental
7 benefit shall become payable effective as of the later of:

8 (i) The date a properly executed application for subsequent retirement
9 is received by the board of trustees of this system.

10 (ii) Ninety days after resignation or termination, as certified by the
11 employer.

12 (d) Any application for subsequent retirement shall become void if the
13 retiree returns to active service covered by the provisions of this Paragraph
14 within ninety days of resignation or termination and elects to be covered by the
15 provisions of this Paragraph for the period of such employment.

16 (e) In the event of the death of a member prior to subsequent retirement,
17 benefits shall be paid to the designated beneficiary or survivor in accordance
18 with the option selected by the member at the time of his original retirement,
19 as provided in R.S. 11:783(A)(2) and R.S. 11:762(C) and (I). No changes to the
20 originally selected option shall be permitted.

21 (f) In no event shall the supplemental benefit, when combined with the
22 original benefit, exceed an amount which equals one hundred percent of the
23 greater of the retiree's original final average compensation or the average
24 compensation figure used to calculate the supplemental benefit.

25 (g) Under no circumstances shall a retiree who has regained membership
26 pursuant to the provisions of this Paragraph be allowed to purchase service
27 credit for any period employed in public service during which the retiree
28 continued to draw a retirement allowance.

29 (h) A retiree who elects to be covered by the provisions of this Paragraph
30 for any period of employment shall also be subject to the provisions of this

1 Paragraph for any other concurrent employment covered by the provisions of
2 this Chapter.

3 (4) For purposes of this Subsection, the following terms have the
4 meanings ascribed to them:

5 (a) "Original benefit" means the benefit calculated at the time of the
6 retiree's original retirement, including any post-Deferred Retirement Option
7 Plan supplement.

8 (b) "Original final average compensation" means the final average
9 compensation calculated at the time of the retiree's original retirement. If the
10 retiree participated in the Deferred Retirement Option Plan, the retiree's
11 original final average compensation shall be the greater of the average
12 compensation used to calculate the retiree's monthly credit or the average
13 compensation used to calculate any post-Deferred Retirement Option Plan
14 supplement.

15 D.(1) Notwithstanding the provisions of Subsection C of this Section, a
16 retiree employed in a critical shortage position shall be governed by the
17 provisions of this Subsection, unless the retiree has elected to be covered by the
18 provisions of Paragraph (C)(3) of this Section.

19 (2)(a) Except as provided in Subsection B of this Section, a retiree
20 certified in any area who is employed in a critical shortage position may receive
21 a benefit during the period of his reemployment if the employer has certified to
22 the board of trustees of this system that a critical shortage exists.

23 (b) Prior to certifying a critical shortage for any critical shortage
24 position, the employer shall:

25 (i) For any position sought to be filled by employment of a retiree, the
26 employer may certify the existence of a critical shortage only if the employer
27 continuously advertises on the website of the employer's governing authority
28 and, if applicable, on the employer's own website, that the employer is soliciting
29 applications for future employment of certified teachers.

30 (ii) Ensure that if a certified applicant who is not a retiree applies for an

1 advertised position, such applicant shall be hired before any certified retiree is
2 employed, unless fewer than three nonretiree applicants have applied for the
3 position, each of whom is certified in the critical shortage area being filled.

4 (3) At the time of enrollment in the system, the employer for a retiree
5 returning to active service in a position defined in Paragraph (4) of this
6 Subsection shall certify to the system that a critical shortage exists for the
7 position in the school district. Enrollments for retirees who are employed
8 pursuant to the provisions of this Subsection shall terminate at the end of each
9 fiscal year.

10 (4) "Critical shortage position" means any of the following:

11 (a)(i) A position for a full-time, part-time or temporary classroom
12 teacher who teaches any student in prekindergarten through twelfth grade or
13 instructs adults through an adult education or literacy program administered
14 through a public institution of elementary or secondary education in a school
15 where a critical shortage exists.

16 (ii) For purposes of this Subparagraph, "classroom teacher" shall mean
17 any employee whose position of employment requires a valid Louisiana teaching
18 certification and who is assigned professional activities of instructing pupils in
19 courses in traditional or nontraditional classroom settings where daily pupil
20 attendance figures for the school system are kept or is assigned to proctor
21 admissions, evaluation, or assessment testing.

22 (b) A position for a full-time, part-time or temporary certified speech
23 therapist, speech pathologist, audiologist, educational diagnostician, school
24 social worker, school counselor, school psychologist, interpreter, educational
25 transliterater, orientation or mobility specialist, educator of the visually
26 impaired, or educator of the deaf or hard of hearing, provided the position of
27 employment requires a valid Louisiana ancillary certificate approved and
28 issued by the state Department of Education in a school district where a critical
29 shortage exists.

30 (5) During the period of his return to active service under the provisions

1 of this Subsection, the retiree and his employer shall make contributions to the
2 retirement system as required by this Chapter, but the retiree shall receive no
3 additional service credits or accrue any additional retirement benefits in the
4 retirement system. Upon termination of active service, the retired teacher shall,
5 upon application, be refunded the employee contributions paid since
6 reemployment. The refund shall be without interest. The retirement system
7 shall retain the employer contributions.

8 E. The provisions of this Section, other than Paragraph (C)(3) and
9 Subsection G of this Section, shall be applicable to any retiree who returns to
10 active service with an employer covered by the provisions of this Chapter whose
11 reemployment is based on a contract or corporate contract under the following
12 circumstances:

13 (1) For nonpostsecondary employers, when the services provided could
14 be performed by an employee of a public school district and the services
15 provided fall under the following areas:

16 (a) Instructional programs, including regular and special education
17 instruction across all age and grade levels, and vocational and other
18 instructional programs.

19 (b) Pupil support services, including child welfare and attendance
20 services, guidance services, health services, and pupil assessment and appraisal
21 services.

22 (c) Instructional staff services, including curriculum development
23 services, parish-wide directors, supervisors and coordinators of instructional
24 programs, media-based instructional staff, educational media or instructional
25 staff, and clerical and support staff that support instructional staff services
26 positions. The provisions of this Paragraph shall not include staff training
27 services.

28 (d) School administration, including principals, assistant principals and
29 related administrator positions at school sites, and clerical and support staff
30 that support school administration positions.

1 (e) Food services operations, including school food service supervisors
2 and assistant supervisors, cafeteria managers and assistant managers, lunch
3 room workers, aides, food services personnel, and clerical and support staff that
4 support food services positions.

5 (2) For public postsecondary education institutions, when the retiree is
6 reemployed as a professor, adjunct professor, instructor, or researcher.

7 F.(1) When a retiree covered by this Section returns to active service
8 with an employer covered by the provisions of this Chapter, either through
9 direct employment, contract, or corporate contract, the employing agency shall,
10 within thirty days thereafter, notify the board of trustees of such employment
11 and the date on which employment commenced. Upon termination of the
12 retiree's employment, the agency shall provide the same notice.

13 (2) In addition, the employing agency shall also report to the retirement
14 system within forty-five days after June thirtieth of each year, the names of all
15 persons being paid by the employing agency and all persons having received a
16 benefit, whether by contract or corporate contract, pursuant to the provisions
17 of this Section, along with such individuals' social security numbers, their
18 positions, their designations as part-time or full-time, and the amount of their
19 earnings during the previous fiscal year ending on June thirtieth of the
20 reporting year. The employing agency shall also transmit a monthly
21 contributions report pursuant to R.S. 11:888(A). Such monthly reports shall be
22 transmitted within thirty days of the last day of each month and shall include
23 the salary paid to each individual retiree to whom this Section applies. Should
24 failure to give notice of return to active service or failure to report any other
25 information required by this Section result in any payment being made in
26 violation of this Section, the employing agency shall be liable to the system for
27 the repayment of such amounts.

28 (3) Should any employer covered by the system employ a retiree subject
29 to this provision and fail to submit the report required by this Subsection, the
30 retiree shall be considered as returning to active service under the provisions

1 of Paragraph (C)(2) of this Section.

2 G.(1) The salary of a retiree who is reemployed pursuant to the
3 provisions of this Section shall be based on the salary schedule which accounts
4 for all prior years of teaching service and pertinent experience.

5 (2) The status of any retiree who is reemployed pursuant to the
6 provisions of this Section shall be the same as a full-time active employee and
7 shall be subject to all applicable rules, procedures, policies, and statutes
8 governing full-time active employees.

9 H. The system and the legislative auditor shall determine any identifiable
10 actuarial impact of this Section following the experience study of the system for
11 the period ending June 30, 2032, and shall report their findings to the chairmen
12 of the House Committee on Retirement and the Senate Committee on
13 Retirement not less than one hundred twenty days before the commencement
14 of the 2034 Regular Session of the Louisiana Legislature for consideration of
15 legislative action, as necessary.

16 Section 2. R.S. 11:710, 710.1, and 710.2 are hereby repealed.

17 Section 3. 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 4. This Act shall become effective on July 1, 2026.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____