

Regular Session, 2011

HOUSE BILL NO. 417

BY REPRESENTATIVE CORTEZ

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

RETIREMENT/TEACHERS: Relative to the Teachers' Retirement System of Louisiana (TRSL), allows retirees rehired as substitute teachers to collect retirement benefits during reemployment under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 11:710(A)(1), (D), and (H) and to enact R.S. 11:710(A)(4),
3 relative to the Teachers' Retirement System of Louisiana; to allow certain retirees
4 reemployed as substitute teachers to receive benefits during reemployment; to
5 provide limitations; to provide an effective date; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:710 (A)(1), (D), and (H) are hereby amended and reenacted and
11 R.S. 11:710(A)(4) is hereby enacted 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

provisions of Subsection F of this Section. For purposes of this ~~Paragraph~~ 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 teaching in a school classroom or in other settings such as a home or hospital or other learning situations such as cocurricular activities, which instruction may be provided in person or through an approved medium such as television, radio, computer, Internet, multimedia telephone, and correspondence that is delivered inside or outside the classroom or in other teacher-student settings.

* * *

(4) A retired member who has at least thirty years of service credit or who has attained the age of sixty and who returns to active service covered by the provisions of this Chapter as a substitute classroom teacher who teaches any student in kindergarten through twelfth grade in a subject for which there are no non-retiree members of this system qualified to teach on the school's list of substitute classroom teachers. For purposes of this Paragraph "substitute classroom teacher" shall mean a classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach for any reason.

* * *

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

1 pursuant to the provisions of this Section, ~~their~~ along with such individuals' social
2 security numbers, their positions and the amount of their earnings during the
3 previous fiscal year ending on June thirtieth of the reporting year. Should failure to
4 give notice of return to active service or failure to report any other information
5 required by this Section result in any payment being made in violation of this
6 Section, the employing agency shall be liable to the system for the repayment of such
7 amounts.

8 * * *

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

17 If any "retired teacher" as defined in Paragraph (A)(4) of this Section is
18 reemployed for more than ninety working days in a fiscal year, the benefits payable
19 to the retiree shall be reduced by the amount he earns for work beyond ninety days.

Section 2. This Act shall become effective on July 1, 2011; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2011, or on the day following such approval by the legislature, whichever is later.

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. 417

Abstract: Relative to the Teachers' Retirement System of La. (TRSL), allows certain retirees reemployed as substitute teachers to receive a retirement benefit during reemployment.

Present law prohibits any TRSL retiree other than a "retired teacher" from receiving a retirement benefit 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 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 a "critical shortage area".
- (2) Any other retired member reemployed on or before June 30, 2010.
- (3) Any retired member who returns to active service as a full-time certified speech therapist, speech pathologist, or audiologist whose position of employment requires a valid La. ancillary certificate approved and issued by the state Dept. of Education in a school district where a shortage exists.

Proposed law adds to the definition of "retired teacher", and therefore to the list of reemployed retirees who may receive a benefit during reemployment, retirees who have at least 30 years of service credit or are at least 60 years of age and who are reemployed as substitute K through 12 classroom teachers.

Proposed law provides that if a K through 12 substitute works more than 90 days in a fiscal year, his retirement benefits shall be reduced by the amount he earns for work beyond 90 days.

Present law requires each employer to report to the system and to the House and Senate committees on retirement the names, positions, and salaries of each person reemployed by such employer as of Jan. 1, 2010, who was receiving a retirement benefit pursuant to the provisions of present law. Requires such reports annually.

Proposed law changes the date of such reporting to within 45 days after June 30th. No longer requires reporting to the House and Senate committees on retirement, and instead requires such information to be reported to TRSL only.

Present law provides that if a failure by an employing agency to report on a reemployed retiree causes any overpayment of benefits, the employer shall be liable to TRSL for repayment of such overpayment.

Proposed law retains present law and provides further that the failure of the employing agency to report to TRSL any information required by present law shall cause the employer to be liable to TRSL for any overpayment of benefits.

Effective July 1, 2011.

(Amends R.S. 11:710(A)(1), (D), and (H); Adds R.S. 11:710(A)(4))