

`Regular Session, 2011

ACT No. 395

HOUSE BILL NO. 417

BY REPRESENTATIVES CORTEZ, ARMES, ARNOLD, BOBBY BADON, BALDONE, BARRAS, BISHOP, BURFORD, HENRY BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, DIXON, DOWNS, FANNIN, GISCLAIR, GUINN, HARDY, HENDERSON, HOFFMANN, HOWARD, SAM JONES, KATZ, LANDRY, LEBAS, LOPINTO, MONTOUCET, NOWLIN, POPE, RICHARD, RICHARDSON, SCHRODER, SEABAUGH, GARY SMITH, JANE SMITH, THIBAUT, AND WOOTON AND SENATORS LONG, THOMPSON, AND WALSWORTH

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

1 AN ACT

2 To amend and reenact R.S. 11:710(A)(1), (B)(1)(a), (C)(2), and (D), to enact R.S.
3 11:710(A)(4), and to repeal R.S. 11:710(H), relative to the Teachers' Retirement
4 System of Louisiana; to allow certain retirees reemployed as substitute teachers to
5 receive benefits during reemployment; to provide limitations; to provide an effective
6 date; and to provide for 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(A)(1), (B)(1)(a), (C)(2), and (D) are hereby amended and
12 reenacted and R.S. 11:710(A)(4) is hereby enacted to read as follows:

13 §710. Employment of retirees

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

16 (1) A retired member who returns to active service covered by the provisions
17 of this Chapter as a full-time or part-time classroom teacher who teaches any student
18 in kindergarten through twelfth grade in a critical teacher shortage area. For
19 purposes of this Paragraph, "critical shortage area" shall mean any subject area
20 where a shortage of certified teachers exists in that subject area, subject to the

1 provisions of Subsection F of this Section. For purposes of this ~~Paragraph~~ Section,
2 "classroom teacher" shall mean any employee, whose position of employment
3 requires a valid Louisiana teaching certificate and who is assigned the professional
4 activities of instructing pupils in courses in classroom situations for which daily
5 pupil attendance figures for the school system are kept. Such classroom situations
6 may include teaching in a school classroom or in other settings such as a home or
7 hospital or other learning situations such as cocurricular activities, which instruction
8 may be provided in person or through an approved medium such as television, radio,
9 computer, Internet, multimedia telephone, and correspondence that is delivered
10 inside or outside the classroom or in other teacher-student settings.

11 * * *

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

21 * * *

22 B.(1)(a) Any retired teacher who returns to active service covered by the
23 provisions of this Chapter within the twelve-month period immediately following the
24 effective date of such retirement shall have his retirement benefits suspended for the
25 duration of such active service or the lapse of twelve months from the effective date
26 of his retirement, whichever occurs first, even if such service is based on
27 employment by contract or corporate contract. If any retired member returns to
28 active service in a position qualifying him as a retired teacher under more than one
29 provision of this Section providing for an earnings limitation of twenty-five percent
30 of his retirement benefit in any fiscal year, the twenty-five percent earnings

1 limitation shall apply to the total earnings of such retired teacher for all such
2 positions in such fiscal year.

3 * * *

4 C.

5 * * *

6 (2) Any retired member not considered a retired teacher as defined in
7 Subsection A of this Section shall have his benefit suspended for the duration of his
8 period of reemployment in such position even if such reemployment is based on
9 employment by contract or corporate contract. Such member and his employer shall
10 not make contributions to the system during such time, and he shall receive no
11 additional service credit nor accrue any additional retirement benefits.

12 * * *

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

3 * * *

5 Section 3. The cost of this Act, if any, shall be funded with additional employer
6 contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

7 Section 4. This Act shall become effective if and when the Act which originated as
8 Senate Bill No. 6 of the 2011 Regular Session of Legislature becomes effective.

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____