

2018 Regular Session

HOUSE BILL NO. 14

BY REPRESENTATIVE SMITH

RETIREMENT/TEACHERS: Provides relative to the reemployment of retired interpreters, educational transliterators, and certified educators of the hearing impaired in positions covered by the Teachers' Retirement System of Louisiana

1 AN ACT

2 To amend and reenact R.S. 11:710(A)(3), (4), and (6)(a) and (F)(3) and to enact R.S.
3 11:710(A)(5)(e), relative to the reemployment of retirees of the Teachers' Retirement
4 System of Louisiana in positions covered by the system; to authorize the
5 reemployment of pre-kindergarten teachers, interpreters, educational transliterators,
6 and certified educators of the deaf or hard of hearing in critical shortage positions; to
7 authorize the reemployment of persons in clerical office positions, subject to an
8 earnings limitation; to authorize all members to return to work without an earnings
9 limitation five years after retirement; and to provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 11:710(A)(3), (4), and (6)(a) and (F)(3) are hereby amended and
15 reenacted and R.S. 11:710(A)(5)(e) is hereby enacted to read as follows:

16 §710. Employment of retirees

17 A. Definitions.

18 As used in this Section, the following words and phrases shall have the
19 following meanings, unless a different meaning is clearly required by the context:

20 * * *

1 (3) "Critical shortage" means any situation where there exists a shortage of
2 certified teachers in a certain subject area or ~~a shortage of certified speech therapists,~~
3 ~~speech pathologists, audiologists, educational diagnosticians, school social workers,~~
4 ~~school counselors, or school psychologists,~~ in a critical shortage position, as further
5 provided in this Section.

6 (4) "Reemployment-eligible critical shortage position" or "critical shortage
7 position" means any of the following:

8 (a) A position for a full-time or part-time classroom teacher who teaches any
9 student in ~~kindergarten~~ pre-kindergarten through twelfth grade in a school where a
10 critical shortage exists.

11 (b) A position for a full-time certified speech therapist, speech pathologist,
12 audiologist, educational diagnostician, school social worker, school counselor, ~~or~~
13 school psychologist, interpreter, educational transliterator, or educator of the deaf or
14 hard of hearing whose position of employment requires a valid Louisiana ancillary
15 certificate approved and issued by the state Department of Education in a school
16 district where a critical shortage exists.

17 (5) "Reemployment-eligible position" means any of the following:

18 * * *

19 (e) A position for clerical office personnel in an elementary or secondary
20 school.

21 (6) "Reemployment-eligible retiree" means any of the following:

22 (a) ~~A member who was retired on or before June 30, 2010~~ A member who
23 has been retired for at least five years.

24 * * *

25 F.

26 * * *

27 (3) On an annual basis, the employing school board for a retiree who returns
28 to active service in a position defined in Subparagraph (A)(4)(b) of this Section shall
29 certify to the Board of Elementary and Secondary Education and the board of

1 trustees of this system that a critical shortage of ~~speech therapists, speech~~
 2 ~~pathologists, audiologists, educational diagnosticians, school social workers, school~~
 3 ~~counselors, or school psychologists~~ exists in the school district in each critical
 4 shortage position filled by a retiree.

5 Section 2. 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 3. This Act shall become effective on July 1, 2018; if vetoed by the governor
 8 and subsequently approved by the legislature, this Act shall become effective on July 1,
 9 2018, 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)]

HB 14 Reengrossed

2018 Regular Session

Smith

Abstract: Authorizes retirees of the Teachers' Retirement System of La. (TRSL) to return to work without benefit suspension five years after retirement and for members who have been retired for less than five years, adds pre-kindergarten teachers and teachers of the deaf or hard of hearing to the list of critical shortage positions that may be filled without benefit suspension and adds clerical personnel to the list of positions that may be filled subject to a 25% earnings limitation.

Present law generally provides that a retiree of TRSL may not return to work in a position covered by the system and continue to receive his benefit check while reemployed. Further provides exceptions to present law.

Present law provides that after a 12-month suspension period, there shall be no further suspension of benefits for a member who returns to work if the member retired on or before June 30, 2010 or holds an advanced degree in speech therapy, speech pathology, or audiology, regardless of retirement date. Proposed law retains present law relative to speech therapists, speech pathologists, and audiologists and further provides that there shall be no suspension of benefits for *any* member who has been retired for at least five years.

Present law provides procedures for establishing that a critical shortage exists for purposes of present law. Requires advertisement in the official journal of the employer's governing authority and posting of job vacancies at certain post-secondary institutions. Further limits authority to rehire a retiree for the critical shortage position if more than three nonretirees apply for the position. Proposed law retains present law.

Present law authorizes a retiree to return to work as a substitute classroom teacher, an adjunct professor, an instructor in an adult literacy program, or a school nurse and to continue to receive his benefit check; however, the allowable employment earnings of such retiree are capped at 25% of his benefit amount. Proposed law retains present law and adds

clerical office personnel to the list of positions that a retiree may return to subject to a 25% earnings limitation.

Present law provides that in certain circumstances a retiree may return to work in a critical shortage position (defined in present law) without reduction of benefits. Such positions include returning as a certified classroom teacher, as a certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, or school psychologist. Proposed law adds pre-kindergarten teacher and interpreter, educational transliterator, or educator of the deaf or hard of hearing to the list of certified professionals who may return to work in a critical shortage position without reduction of benefits.

Effective July 1, 2018.

(Amends R.S. 11:710(A)(3), (4), and (6)(a) and (F)(3); Adds R.S. 11:710(A)(5)(e))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Allow all retirees to return to work without earning limitation five years after retirement.
2. Add pre-kindergarten teachers to list of critical shortage positions, eligible for reemployment without earnings limitation.
3. Add clerical office personnel to list of positions eligible for reemployment with 25% earning limitation.