

Regular Session, 2012

HOUSE BILL NO. 14

BY REPRESENTATIVE TALBOT

RETIREMENT/STATE-STWIDE: Relative to state and statewide retirement systems, prohibits certain members who are reemployed after retirement from receiving retirement benefits or accruing additional benefits

1 AN ACT

2 To amend and reenact R.S. 11:149, 416(A)(introductory paragraph), 710(A), (F), and (G),
3 1006, 1007(A)(1), 1311, 1413, 1513, 1631(F), 1762, 1928, 2078, 2220(A)(1)(e), (f),
4 and (g)(introductory paragraph), 2256(A)(5) and to enact R.S. 11:416(D) and
5 2175(E)(7), relative to state and statewide retirement systems; to prohibit certain
6 reemployed retirees from receiving retirement benefits or accruing additional
7 benefits during their reemployment; to provide relative to contributions during such
8 period; to provide for reporting requirements; to provide an effective date; and to
9 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. 11:149, 416(A)(introductory paragraph), 710(A), (F), and (G), 1006,
15 1007(A)(1), 1311, 1413, 1513, 1631(F), 1762, 1928, 2078, 2220(A)(1)(e), (f), and
16 (g)(introductory paragraph), 2256(A)(5) are hereby amended and reenacted and R.S.
17 11:416(D) and 2175(E)(7) is hereby enacted to read as follows:

18 §149. Reemployment of retirees

19 A. The provisions of this Section are applicable to the following public
20 retirement or pension systems, plans, or funds, hereafter referred to in this Section
21 as "systems":

- 1 (1) Assessors' Retirement Fund.
- 2 (2) Clerks' of Court Retirement and Relief Fund.
- 3 (3) District Attorneys' Retirement System.
- 4 (4) Firefighters' Retirement System.
- 5 (5) Louisiana School Employees' Retirement System.
- 6 (6) Louisiana State Employees' Retirement System.
- 7 (7) Municipal Employees' Retirement System of Louisiana.
- 8 (8) Municipal Police Employees' Retirement System.
- 9 (9) Parochial Employees' Retirement System of Louisiana.
- 10 (10) Registrars of Voters Employees' Retirement System.
- 11 (11) Sheriffs' Pension and Relief Fund.
- 12 (12) State Police Pension and Retirement System.
- 13 (13) Teachers' Retirement System of Louisiana.

14 B. If a member of a system listed in Subsection A of this Section retires from
 15 such system on or after July 1, 2012, and engages in employment which otherwise
 16 would render him eligible for membership in any such system, his retirement benefit
 17 shall be suspended during the period of his reemployment. During such period of
 18 reemployment, neither he nor his employer shall make contributions to the system,
 19 nor shall he earn any additional service credit or supplemental benefit. Both the
 20 reemployed retiree and his employer shall immediately notify the system of the
 21 retiree's date of reemployment and the estimated duration of reemployment and,
 22 upon termination, the date of termination of reemployment. Should failure to give
 23 notice of return to employment result in any payment being made in violation of this
 24 Section, the employer shall be liable to the system for the repayment of such
 25 amounts.

26 C. Notwithstanding any other provision of law to the contrary, any person
 27 who retires from employment with a department of state government as defined in
 28 Title 36 of the Louisiana Revised Statutes of 1950, on or before June 30, 2012, shall,
 29 upon reemployment by the same department of state government, be governed, with

1 respect to retirement, by the laws governing the retirement system from which he
2 retired.

3 ~~B. D.~~ Any person who retires under any early retirement incentive plan of
4 the state of Louisiana for state employees shall not be reemployed by any department
5 of state government for two years after the effective date of their retirement. The
6 provisions of this Subsection shall not apply to seasonal ~~fire-fighting~~ firefighting
7 personnel employed by the office of forestry in the Department of Agriculture and
8 Forestry, and election-related personnel in the Department of State. Reemployment
9 of election personnel shall not exceed six weeks prior to an election and two weeks
10 following an election.

11 * * *

12 §416. Employment of retirees

13 A. Regardless of age, if a retiree of the system who retires on or before June
14 30, 2012, and is engaged or hereafter engages in employment which otherwise would
15 render him eligible for membership in the system, he shall choose one of the
16 following irrevocable options:

17 * * *

18 D. Any member who retires on or after July 1, 2012, and engages in
19 employment which otherwise would render him eligible for membership in the
20 system shall be subject to the provisions of R.S. 11:149.

21 * * *

22 §710. Employment of retirees

23 A.(1) Any member of this system who retires on or after July 1, 2012, shall
24 be subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149, the
25 provisions of this Section shall apply to any member of this system who retires and
26 returns to active service covered by the provisions of this Chapter.

27 (2) For purposes of this Section, "retired teacher" shall mean any of the
28 following:

1 personnel director of his employing school have certified to the Board of Elementary
 2 and Secondary Education and the board of trustees of this system that a shortage of
 3 teachers exists in the critical shortage area in which the retired teacher was hired to
 4 teach. Prior to making such certification for any full-time teaching position, the
 5 employer shall cause to be advertised in the official journal of the employer's
 6 governing authority, on two separate occasions, notice that a shortage of certified
 7 teachers exists and the positions sought to be filled. If a certified applicant who is
 8 not a retiree applies for an advertised position, such person shall be hired before any
 9 certified retired teacher is employed, unless fewer than three teachers have applied
 10 for the position each of whom are certified in the critical shortage area being filled.

11 G. No "retired teacher" as defined in ~~Paragraph (A)(2)~~ Subparagraph
 12 (A)(2)(b) of this Section shall receive a benefit during the period of his
 13 reemployment as provided in this Section unless and until the employing school
 14 board has certified to the Board of Elementary and Secondary Education and the
 15 board of trustees of this system that a shortage of speech therapists, speech
 16 pathologists or audiologists exists in the school district where reemployed.

17 * * *

18 §1006. Reemployment of retirees

19 A. Any service retiree of this system who retires on or after July 1, 2012,
 20 shall be subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149,
 21 the provisions of this Section or R.S. 11:1007 shall apply to any service retiree who
 22 returns to active service covered by the provisions of this Chapter.

23 ~~(†) B.(1)~~ Any service retiree of the Louisiana School Employees' Retirement
 24 System may be reemployed in any position covered by the system as a full-time,
 25 part-time, temporary, or substitute employee subject to the provisions of this Section.

26 (2) The employing agency shall transmit monthly, by the fifteenth day after
 27 the end of the month, a report with the name, social security number, and the amount
 28 of earnings of the retiree during the previous month.

1 (3) For the purposes of this Section, there shall be an annual cost-of-living
2 adjustment to the average compensation figure used in these computations. This
3 cost-of-living adjustment shall be based upon and directly reflect the annual
4 percentage increase or decrease in the Consumer Price Index for the preceding year.

5 ~~B. C.~~ If the earnings of the reemployed retiree in any fiscal year are in excess
6 of fifty percent of average compensation, an amount equal to the amount of the
7 earnings in excess of fifty percent of average compensation for the fiscal year shall
8 be repaid to the retirement system, either through direct reimbursement to the system
9 or by suspension of benefits; however, the repayment amount shall not exceed the
10 amount of retirement benefits received by the retiree for the fiscal year.

11 ~~C. D.~~ Should any employing agency fail to submit the report required by
12 ~~Subsection A of this Section Paragraph (B)(2) of this Section~~, the employing agency
13 shall be liable to the retirement system for the repayment of any overpayments to the
14 retiree by the system.

15 ~~D. E.~~ The provisions of this Section shall not apply to any retiree of this
16 system who retired from service as a bus driver, who returns to active service in a
17 full-time position as a bus driver covered by the provisions of this Chapter, and
18 whose employer chooses to reemploy him pursuant to R.S. 11:1007. The full-time
19 reemployment of such retired bus drivers shall be governed by the provisions of that
20 Section.

21 §1007. Employment of retired bus drivers

22 A.(1) Subject to the provisions of Subsection F of this Section, any retiree
23 of this system who was retired from service as a bus driver on or before June 30,
24 2012, and who returns to active service in a full-time position as a bus driver covered
25 by the provisions of this Chapter within the twelve-month period immediately
26 following the effective date of his retirement shall have his retirement benefit
27 suspended for the duration of such active service or the lapse of twelve months after
28 the effective date of his retirement, whichever occurs first, even if such service is
29 based on employment by contract or corporate contract. After the period of

1 suspension of benefits as provided in this Subsection, the retirement benefit of such
2 retiree shall no longer be suspended.

3 * * *

4 §1311. Reemployment of retiree

5 A. Any member of this system who retires on or after July 1, 2012, shall be
6 subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149, the
7 provisions of this Section shall apply to any member of this system who retires and
8 returns to active service covered by the provisions of this Chapter.

9 B.(1) Whenever a retiree returns to employment as a sworn, commissioned
10 law enforcement officer of the office of state police in any office, section, agency,
11 commission, or branch of the Department of Public Safety and Corrections as
12 defined in Title 36 of the Louisiana Revised Statutes of 1950, whether by executive
13 order or by any other authorized action or authority, such person shall not be entitled
14 to renew his membership in or become a member of the system. If his earnings in
15 such employment are more than fifty percent of his average final compensation,
16 payment of his retirement benefit shall be suspended for every month of such
17 employment. Upon the subsequent separation of such employment or upon death
18 prior thereto, the retirement allowance to which he shall then be entitled and the
19 benefits to which any of his dependents shall then be entitled shall be the same as
20 those to which he and/or his dependents or beneficiaries were entitled prior to and
21 at the time of such employment.

22 ~~B: (2)~~ Notwithstanding the provisions of R.S. 11:149~~(A)(C)~~, whenever a
23 retiree returns to employment with the Department of Public Safety and Corrections
24 in any capacity other than as a sworn, commissioned law enforcement officer of the
25 state police, his employment shall, if otherwise applicable, be governed, with respect
26 to retirement, by the laws governing the Louisiana State Employees' Retirement
27 System.

28 * * *

1 §1413. Reemployment of a retiree

2 ~~A retiree~~ Any member of this system who retires on or after July 1, 2012,
3 shall be subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149,
4 a member who retired and is receiving retirement benefits from the system may be
5 temporarily reemployed by an assessor but the retiree shall not be or become a
6 member of the system during such reemployment. If the retiree is reemployed in any
7 capacity for more than one hundred working days during any calendar year, or the
8 equivalent thereof, during any calendar year, the benefits payable to the retiree shall
9 be reduced by the amount he earned after thirty working days, or the equivalent
10 thereof. The retiree and the assessor shall immediately notify the board of the date
11 of reemployment, the amount of salary paid, any changes in salary, the number of
12 hours employed per week, the estimated duration of reemployment, and the date of
13 the termination of the reemployment. If the retiree dies during reemployment,
14 benefits shall be paid to any other person as if death occurred regardless of
15 reemployment pursuant to any option which may have been selected by the retiree
16 at the time of retirement.

17 * * *

18 §1513. Reemployment of a retiree

19 A. Any member of this system who retires on or after July 1, 2012, shall be
20 subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149, the
21 provisions of this Section shall apply to any member of this system who retires and
22 returns to active service covered by the provisions of this Chapter.

23 ~~B.(1) Except as provided in Subsection B of this Section, a retiree~~ Paragraph
24 (2) of this Subsection, a member who retired and is receiving retirement benefits
25 from the system may be temporarily reemployed by a clerk, but the retiree shall not
26 be or become a member of the system during such reemployment. If the retiree is
27 reemployed in any capacity for more than sixty working days, or the equivalent
28 thereof, during any calendar year, the benefits payable to the retiree shall be reduced
29 by the amount he earned after sixty working days, or the equivalent thereof. The

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 retiree and the clerk shall immediately notify the board of the date of reemployment,
2 the amount of salary paid, any changes in salary, the number of hours employed per
3 week, the estimated duration of reemployment, and the date of the termination of the
4 reemployment. If the retiree dies during reemployment, benefits shall be paid to any
5 other person as if death occurred regardless of reemployment pursuant to any option
6 which may have been selected by the retiree at the time of retirement.

7 ~~B.†~~ (2)(a) A retiree who has terminated employment and was receiving
8 retirement benefits from the system on January 1, 2007, may be temporarily
9 reemployed by a clerk whose office is located in a parish designated under the
10 Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for
11 individual assistance, or individual assistance and public assistance following
12 Hurricane Katrina or Rita; however, the retiree shall not be or become a member of
13 the system during such reemployment. If the retiree is reemployed by such a clerk
14 in any capacity for more than one hundred eighty working days, or the equivalent
15 thereof, during any calendar year, the benefits payable to the retiree shall be reduced
16 by the amount he earned after one hundred eighty working days, or the equivalent
17 thereof. The retiree and the clerk shall immediately notify the board of the date of
18 reemployment, the amount of salary paid, any changes in salary, the number of hours
19 employed per week, the estimated duration of reemployment, and the date of the
20 termination of the reemployment. If the retiree dies during reemployment, benefits
21 shall be paid to any other person as if death occurred regardless of reemployment
22 pursuant to any option which may have been selected by the retiree at the time of
23 retirement.

24 ~~(2)(b)~~ The provisions of this ~~Subsection~~ Paragraph shall expire on July 1,
25 2012, and thereafter shall be null and void and of no effect.

26 * * *

1 §1631. Retirement benefits; application; eligibility requirements

2 * * *

3 F.(1) Except as provided in ~~Paragraph (2)~~ Paragraphs (2) and (3) of this
4 Subsection, if any member who has retired from this system is reemployed as an
5 employee by any district attorney in the state, his retirement benefit shall be
6 suspended during said employment, and he shall not be paid any benefits for the
7 period covered by such employment. He shall, upon such reemployment, again
8 become an active contributing member of the system, with the option of establishing
9 service credit for any period of full-time employment as district attorney or assistant
10 district attorney since returning to such employment following retirement by
11 payment into the system the employer and employee amount plus interest that would
12 have been withheld and paid into the system for that period based upon his total
13 salary for such period. He shall accrue a supplemental retirement benefit based on
14 his service rendered after reemployment. If the member continues employment after
15 retirement for a period of less than thirty-six months, his supplemental monthly
16 retirement benefit shall equal the benefit accrued under R.S. 11:1632 or 1633,
17 whichever is applicable, based on the lesser of his average final compensation at his
18 original retirement date or his average compensation during the period of his
19 subsequent reemployment. If the member continues in employment after retirement
20 for a period of thirty-six months or more, his supplemental monthly retirement
21 benefit shall equal the benefit accrued under R.S. 11:1632 or 1633, whichever is
22 applicable, based on his average final compensation during his period of
23 reemployment. Upon retirement subsequent to reemployment, his benefit shall be
24 equal to the benefits he was receiving immediately prior to reemployment plus the
25 supplemental benefit earned during his reemployment.

26 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if
27 any district attorney or assistant district attorney has retired in accordance with R.S.
28 11:1633(A)(1)(b) or (c) and is reemployed by any district attorney in this state and
29 paid a salary of less than the annual salary provided for in R.S. 16:11(A)(1), his

1 benefit shall not be suspended, and he shall not be considered a member, nor shall
2 he earn additional credit or be required to pay contributions.

3 (3) Any member of this system who retires on or after July 1, 2012, shall be
4 subject to the provisions of R.S. 11:149.

5 * * *

6 §1762. Reemployment of retirees

7 A. Any member of this system who retires on or after July 1, 2012, shall be
8 subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149, the
9 provisions of this Section shall apply to any member of this system who retires and
10 returns to active service covered by the provisions of this Chapter:

11 B. Whenever a retired member receiving normal retirement benefits becomes
12 reemployed by an employer such that his monthly earnings are equal to or less than
13 the difference between his monthly average final compensation and his monthly
14 retirement benefit, his retirement benefits shall continue, and he shall not be a
15 member of the system.

16 ~~B.~~ C. Whenever a retired member receiving normal retirement benefits
17 becomes reemployed by an employer such that his monthly earnings exceed the
18 difference between his monthly average final compensation and his monthly
19 retirement benefit, his retirement benefits shall be reduced by the amount his
20 monthly earnings exceed the difference between his monthly average final
21 compensation and his monthly retirement benefit for every month of such
22 employment, and he shall not be a member of the system.

23 ~~C.~~ D. The retired member and the employer shall immediately notify the
24 board of the retiree's date of employment, the amount of his monthly salary, and any
25 changes in salary, number of hours employed per week, estimated duration of
26 employment, and date of termination of employment.

27 ~~D.~~ E. For purposes of this Section, there shall be an annual cost-of-living
28 adjustment to the average final compensation figure used to determine whether
29 benefits are to be continued or reduced. This cost-of-living adjustment shall be

1 based upon and directly reflect the annual percentage increase or decrease in the
2 Consumer Price Index for the preceding calendar year.

3 * * *

4 §1928. Temporary employment of retirees; permanently employed retirees;
5 membership; calculation of additional benefit; retirees in elected positions

6 A. Any service retiree of this system who retires on or after July 1, 2012,
7 shall be subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149,
8 the provisions of this Section shall apply to any service retiree who retires and
9 returns to active service covered by the provisions of this Chapter.

10 B. Any person who ~~has retired~~ retires under the provisions of this Chapter
11 may be temporarily employed by an employer participating in this plan, subject to
12 the following limitations. If a retiree is under age sixty-five or has not been retired
13 at least three years, he may be employed no more than four hundred eighty hours in
14 a calendar year. If a retiree is age sixty-five or older and has been retired at least
15 three years, he may be employed no more than one thousand forty hours in a
16 calendar year. However, if the retiree is employed longer than the maximum hours
17 stated above, his retirement benefit will be reduced by the amount earned after the
18 allowed number of hours.

19 ~~B.(1)~~ C.(1) If the retired member, who is otherwise eligible, becomes
20 permanently employed by an employer participating in this plan, the retired member
21 and the employer shall immediately notify the board of the retiree's date of
22 employment, the amount of his monthly salary, any changes in salary, number of
23 hours employed per week, estimated duration of employment, and date of
24 termination of employment. However, this Section shall not apply to retirees who
25 are elected to office and are prohibited from joining this system under Article X,
26 Section 29.1(A) of the Constitution of Louisiana.

27 (2) At the time the retired member returns to permanent employment, the
28 benefit of the retiree shall be suspended and he shall be considered as returning to
29 active service and employee and employer contributions shall resume.

1 ~~C. D.~~ Upon subsequent termination of employment of a retired contributing
2 member, the retired contributing member shall begin receiving his original
3 retirement benefit and shall receive an additional benefit based on his additional
4 service and the compensation earned during the period of additional service.

5 ~~D. E.~~ Notwithstanding the provisions of R.S. 11:1902(12)(a) or 1921(A)(3),
6 if a retired member of the system is subsequently elected to an office covered by the
7 system, sixty days after taking the oath of office his monthly retirement benefit shall
8 be reduced by the amount of his monthly earnings.

9 * * *

10 §2078. Reemployment of retirees

11 A. Any service retiree of this system who retires on or after July 1, 2012,
12 shall be subject to the provisions of R.S. 11:149. Except as provided by R.S. 11:149,
13 the provisions of this Section shall apply to any service retiree who retires and
14 returns to active service covered by the provisions of this Chapter.

15 B. In the event any retiree of the system is employed by an employer covered
16 by this system, the retiree and the employer shall immediately notify the system of
17 the retiree's date of employment, the amount of salary paid, any changes in salary
18 while reemployed, number of hours employed per week, estimated duration of
19 employment, and date of termination of reemployment.

20 ~~B.(1)~~ C.(1) Any retiree may be employed by an employer covered by this
21 system without suspension of benefits provided the retiree has terminated
22 employment for at least six consecutive months. Such retiree may be employed for
23 no more than sixty days, or four hundred eighty hours, in a calendar year. Should
24 the portion of the calendar year available for employment be less than twelve
25 months, the period of employment without reduction in benefits shall be reduced on
26 a pro rata basis.

27 (2) Should any retiree be employed in excess of the amount of time provided
28 for in Paragraph (1) of this Subsection, his retirement benefit shall be reduced by an
29 amount equal to the amount earned in excess of the limitation. The reduction in

1 benefits shall begin with the next payroll after the system receives notification of
2 such employment.

3 ~~C. D.~~ Should any retiree be employed by an employer covered by this system
4 within six months of termination of employment, his retirement benefit shall be
5 reduced by an amount equal to that earned during such employment. Such reduction
6 shall begin with the next payroll after the system receives notification of such
7 employment.

8 ~~D. E.~~ Should any retiree who retires on or before June 30, 2012, return to
9 full-time permanent employment by an employer covered by this system at any time
10 after termination of employment, his retirement benefit shall be suspended and he
11 shall become an active contributing member of the system. Upon his subsequent
12 retirement, he shall receive his original benefit plus a supplemental benefit based on
13 his salary and service earned since his reemployment. No change shall be permitted
14 in the member's original option; however, at the end of the period of reemployment,
15 the member shall select any option authorized as to any supplemental benefit earned.

16 * * *

17 §2175. Blanket fidelity insurance policy; powers of board; refund of contributions;
18 restrictions on payments; warrants; deposits; investments

19 * * *

20 E.

21 * * *

22 (7) The provisions of this Subsection shall not apply to any member who
23 retires on or after July 1, 2012; such persons shall be subject to the provisions of R.S.
24 11:149.

25 * * *

26 §2220. Benefits; contribution limit

27 A. Eligibility for normal retirement, early retirement, and limitations.

28 * * *

1 (1)

2 * * *

3 (e) ~~Regardless~~ Except as provided by R.S. 11:149, regardless of age, if a
4 retiree of this system becomes an employee as defined in R.S. 11:2213(11), payment
5 of retirement benefits shall be suspended and the employee and employer shall
6 contribute to the system toward creditable service.

7 (f) ~~Upon~~ Except as provided by R.S. 11:149, upon termination of
8 employment, the monthly benefit which had been suspended shall resume being paid
9 to the retiree. The retiree may not change the option which was elected under the
10 original retirement computation.

11 (g) ~~Upon~~ Except as provided by R.S. 11:149, upon termination of
12 employment, the retiree shall receive an additional retirement benefit based on his
13 additional service rendered since reemployment using the normal method of
14 computation of benefits or as provided in Subparagraph (h) of this Paragraph, subject
15 to the following:

16 * * *

17 §2256. Benefits; refund of contributions, application, and payment

18 A.

19 * * *

20 (5)(a) ~~Upon returning~~ For any member who retires on or before June 30,
21 2012, and returns to work as a full-time employee covered by this system, retirement
22 benefits shall cease and the employee and employer shall contribute to the system
23 towards creditable service. The member may not change the option which was
24 selected under the first retirement computation.

25 (b) Any member who retires on or after July 1, 2012, shall be subject to the
26 provisions of R.S. 11:149.

27 * * *

1 Section 2. This Act shall become effective on July 1, 2012, if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2012, 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)]

Talbot

HB No. 14

Abstract: Relative to state and statewide retirement systems, requires the suspension of benefits for reemployed retirees who retire on or after July 1, 2012, and prohibits the accrual of additional benefits during such period.

Proposed law, relative to state and statewide retirement systems, requires the suspension of benefits for reemployed retirees of such systems who retire on or after July 1, 2012, and prohibits the accrual of additional benefits during such period. Furthermore, proposed law requires employers and reemployed retirees to notify the systems of reemployment. Requires the employer to compensate the system for any benefit payments to reemployed retirees if the system has not received the required notification of reemployment.

Various provisions of present law provide with respect to reemployed retirees in the 13 state and statewide retirement systems in the following manner. Present law remains applicable to members who retire on or before June 30, 2012.

STATE RETIREMENT SYSTEMS

- (1) La. State Employees' Retirement System (LASERS) - provides three options for a reemployed retiree. Option 1: The retiree's earnings while reemployed cannot exceed 50% of his annual retirement benefit in a fiscal year. If his earnings exceed the 50% cap, his retirement benefits shall be reduced by the amount over the 50% cap; Option 2: The retiree may regain membership in the retirement system by paying back all his benefits plus interest plus all employer and employee contributions that would have been paid; Option 3: The retiree may request a suspension of his benefits. If he works past 36 months, he accumulates a supplemental benefit.
- (2) Teachers' Retirement System of Louisiana (TRSL) - generally requires suspension of benefits during reemployment but authorizes certain "retired teachers" to receive a retirement benefit during reemployment.
- (3) La. School Employees' Retirement System (LSERS) - provides for a two-fold approach to reemployed retirees: (a) The "50% rule", which is the default option for rehired retirees. Under this rule, the retiree's earnings in a given year cannot exceed 50% of his "average compensation"; (b) The "100% rule" provides that if a retiree is reemployed within 12 months of his retirement date, his benefit will be suspended. After 12 months has passed (from his date of retirement), he can start collecting his benefit. The "100% rule" is only available to retired bus drivers, and is a voluntary reemployment option for individual employers who must pay the actuarial cost of reemploying such person under the "100% rule".

- (4) State Police Pension and Retirement System (STPOL) - provides that if a retiree is reemployed and his earnings exceed 50% of his average final compensation, his benefit shall be suspended.

STATEWIDE RETIREMENT SYSTEMS

- (1) La. Assessor's Retirement Fund (LARF) - provides that if a retiree is reemployed for more than 100 working days, the benefits payable to him shall be reduced by the amount he earned (in salary) after 30 working days.
- (2) Clerks' of Court Retirement and Relief Fund (CCRS) - if a retiree is reemployed for more than 60 working days, the benefits payable to him shall be reduced by the amount of salary earned after 60 working days.
- (3) District Attorneys' Retirement System (DARS) - provides that a reemployed retiree's benefits are suspended, but during the period of reemployment he shall accrue a supplemental benefit. Provides an exception allowing a district attorney or assistant district attorney to be reemployed without having his benefit suspended if his salary is less than \$45,000, but he shall not accrue a supplemental benefit while reemployed.
- (4) Municipal Employees' Retirement System (MERS) - provides that a reemployed retiree's benefits shall continue only if his monthly earnings (salary) are equal to or less than the difference between his average final compensation and his retirement benefits. If his salary exceeds this difference, then his benefits will be reduced by the amount of such difference.
- (5) Parochial Employees' Retirement System (PERS) - provides that a reemployed retiree who has been retired at least three years and is 65 or older, may work for up to 1,040 hours in the calendar year. A retiree who does not meet these criteria may work up to 480 hours during the calendar year. If a retiree exceeds such limits, his retirement benefit will be reduced by the amount of salary earned in excess of those limits.
- (6) Registrars of Voters Employees' Retirement System (ROVERS) - provides that a retiree can be rehired without a suspension in benefits if he has terminated employment for at least six months and is employed for no more than 60 days or 480 hours in a calendar year. Employment in excess of this requires a reduction of the benefit by an amount equal to the amount earned in excess of the limitation. Any retiree reemployed within six months shall have his benefit reduced by the amount earned during his reemployment. For any retiree returning to work full-time, his benefit will be suspended during reemployment, and he will earn a supplemental benefit for such period.
- (7) Sheriffs' Pension and Relief Fund (SPRF) - provides that a reemployed retiree may return to work part time, in which case his earnings shall not exceed 50% of his final average compensation; however, a full-time reemployed retiree's benefits shall be suspended during reemployment, but he shall accrue a supplemental benefit.
- (8) Municipal Police Employees' Retirement System (MPERS) - provides that a reemployed retiree's benefit shall be suspended but the retiree shall accumulate a supplemental benefit during his period of reemployment.

- (9) Firefighters' Retirement System (FRS) - provides that a reemployed retiree's benefit shall be suspended, but such person shall earn a supplemental benefit during the period of his reemployment.

Effective July 1, 2012.

(Amends R.S. 11:149, 416(A)(intro. para.), 710(A), (F), and (G), 1006, 1007(A)(1), 1311, 1413, 1513, 1631(F), 1762, 1928, 2078, 2220(A)(1)(e), (f), and (g)(intro. para.), 2256(A)(5); Adds R.S. 11:416(D) and 2175(E)(7))