

## Act 921: New Return-to-Work Provisions Affecting TRSL

Effective July 1, 2010, TRSL retirees who return to work in a TRSL-covered position will be categorized as either "retired teachers" or "retired members." Payment of retirement contributions and receipt of retirement benefits are determined by the category to which the return-to-work retiree belongs.

### **For Re-employed Retired Teachers:**

Re-employed "retired teachers" will have their TRSL benefits suspended during the 12-month period immediately following the effective date of retirement or the duration of such active service, whichever occurs first. Employee (unsheltered) and employer contributions are also required during this time period.

### **For Re-employed Retired Members:**

Re-employed "retired members" will have their TRSL benefits suspended for the duration of their re-employment, and no employee or employer contributions will be required. Retired members are individuals who do not meet the definition of a retired teacher. This includes, but is not limited to, administrators, secretaries, and higher education and vocational school employees, etc. who do not meet the definition of "retired teacher" as described below.

### **Retired teacher is...**

- A retiree who returns to active service (full or part time) as a K-12 "classroom teacher" in a critical shortage area, or
- A retiree who returns or has returned to active service on or before June 30, 2010, or
- A retiree who returns to active service as a full-time certified speech therapist, speech pathologist, or audiologist whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the Louisiana Department of Education in a school district where a shortage exists.

*NOTE: State law defines a "classroom teacher" as any employee whose position of employment requires, (1) a Louisiana teaching certificate, and (2) who performs professional activities of instructing pupils in courses in classroom situations for which daily attendance figures are kept.*

### **Do you have a critical shortage area?**

A critical shortage area is defined as any subject where a shortage of certified teachers has been confirmed by the employer and its governing authorities. Employers must take the following actions to declare a critical shortage:

- The superintendent and personnel director must certify to the Board of Elementary and Secondary Education (BESE) and TRSL that a shortage of teachers exists.
- For full-time positions, the employer must advertise on two separate occasions in the official journal notice that a shortage exists in the positions sought to be filled.
- For part-time, advertising is not required, just the certification from the superintendent and the personnel director.
- Certified applicants who are not retirees must be hired before a certified retired teacher unless there are fewer than three applicants.
- The school board must certify to BESE and TRSL that a shortage of speech therapists, speech pathologists, or audiologists exists in the school district when they re-employ a TRSL retired teacher.

*NOTE: Once a "retired teacher" is rehired in a critical shortage area, he or she can remain continuously employed for the duration of the declared critical shortage.*

### **Additional Employer Requirements:**

Employers must enroll rehired retirees in TRSL within 30 days of re-employment. Any overpayment of benefits resulting from the failure to notify TRSL will be charged to the employer.

Employers are also required to file a report by August 15, 2010, to TRSL and the House and Senate retirement committees containing the names, positions, and salaries of each person re-employed as of January 1, 2010. Each calendar year thereafter, the employer must file a report by January 15 to TRSL, and the House and Senate retirement committees containing the names, positions, and salaries of each person re-employed as of January 1 of that year and receiving a TRSL retirement benefit.