

Regaining TRSL membership

If you are re-employed in a TRSL-covered position (excluding disability and DROP retirees), you can regain membership in TRSL. You will need to do the following:

- Return all retirement benefits paid to you plus interest;
- Pay employee and employer contributions that would have been paid to TRSL during the period of your retirement; and
- Remain in active service for at least six years to receive a retirement benefit re-computation.

Unsure about returning to work? We can help!

Teachers' Retirement System of Louisiana

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July 2011

Returning to Work after Retirement

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Understanding return-to-work laws

As of July 1, 2010, the state's return-to-work laws have changed. Please read this brochure carefully if you're thinking about returning to work in a position eligible for TRSL membership.

It's important that you understand how these laws may affect you. Failure to comply with all return-to-work laws could result in permanent or temporary loss of your retirement benefits.

"Retired teacher" or "retired member:" Which are you?

TRSL service retirees who return to work in a TRSL-covered position are now 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.

The law provides specific criteria that determine whether a return-to-work retiree is a "retired teacher" or a "retired member."

"Retired teacher"

You are considered a "retired teacher" if you meet any of the following criteria:

1. A retiree who has returned to active service on or before June 30, 2010 (even if it was for one day several years ago), or
2. A retiree who returns to active service (full- or part-time) as a K-12 "classroom teacher" in a declared critical shortage area, or
 - *What is a K-12 classroom teacher?*
A K-12 classroom teacher is any employee (1) whose position of employment requires a Louisiana teaching certificate, and (2) who performs the professional activity of course instruction in classroom situations for which daily attendance figures are kept.
 - *What is a critical shortage area?*
A critical shortage area is defined as any subject area where a shortage of certified teachers exists. Before a retiree can be classified as a "retired teacher," a critical shortage area must be declared by the school superintendent and personnel director.
3. 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 in those positions, or

4. A member who retired during the period of May 1, 2009, through June 30, 2010, **and** returns to work in a position requiring a valid Louisiana teaching or ancillary certificate. (*Act 347 of 2011*)

- *What type of position requires certification?*
Valid Louisiana teaching and ancillary certifications are set forth in the Board of Elementary and Secondary (BESE) Bulletin 746. (See *Chapter 3, subchapter A and C; Chapters 4 and 7; and certificate endorsements in Chapter 6.*)

“Retired member”

“Retired members” are service retirees who do not meet the definition of a “retired teacher” as previously described.

“Retired members” include, but are not limited to, retirees returning to work as teachers in non-critical shortage areas, administrators, secretaries, and higher education and vocational school employees, etc.

Return-to-work provisions for “retired teachers”

The 12-month waiting period

“Retired teachers” re-employed within the first 12 months of their retirement will have their TRSL benefits suspended until they have been retired for 12 months or the duration of their re-employment, whichever occurs first.

Retirement contributions

Employee and employer contributions are also required on compensation received as a

re-employed “retired teacher,” even if such service is by contract or corporate contract.

Break in service

In order to be eligible to return to work, “retired teachers” must have a break in service of at least one weekday (Monday through Friday).

Example: If your last day of work is a Friday, your retirement date would be a Saturday. You could return to work on Tuesday. Monday would be the one weekday break in service.

Return-to-work provisions for “retired members”

Suspension of retirement benefits

Re-employed “retired members” will have their TRSL benefits suspended for the duration of their re-employment.

NOTE FOR RETIREES WHO DO NOT MEET THE DEFINITION OF “RETIRED TEACHER” UNDER THE RETURN-TO-WORK LAW: If you enter into a true independent contract or work via a third-party contract, you are not subject to the suspension of your retirement benefits.

Retirement contributions

No employee or employer contributions are required during the period of re-employment.

Return-to-work provisions for disability retirees

Employment in the field of education

A disability retiree may not return to work in

the field of public or private education. Those who do so will have their disability benefits terminated.

Disability retirees may return to work outside the field of education without penalty. However, there are limits on how much disability retirees can earn.

Disability retirees are encouraged to contact TRSL before accepting any type of employment to make sure they are in compliance with all return-to-work laws.

REMEMBER: Employers do not have authority to waive any part of the return-to-work laws under any circumstances. Employers who do not comply with applicable laws may be liable for payment of benefits and contributions owed to TRSL.

Employer certifications

Critical shortage certification for full-time K-12 classroom teachers:

- The employer must advertise on two separate occasions in the official journal notice that a shortage of certified teachers exists in the positions sought to be filled.
- Certified applicants who are not retirees must be hired before a certified “retired teacher” unless there are fewer than three certified applicants.
- The superintendent and personnel director must certify to the Board of Elementary and Secondary Education (BESE) and

TRSL that a shortage of certified teachers exists for the subject area.

Critical shortage certification for part-time K-12 classroom teachers:

The superintendent and personnel director must certify to BESE and TRSL that a shortage of certified teachers exists for the subject area. Advertising is not required.

Critical shortage certification for certified speech therapists, speech pathologists, or audiologists:

The school board must certify to BESE and TRSL that a shortage of full-time speech therapists, speech pathologists, or audiologists exists in the school district when they re-employ a TRSL “retired teacher” in any of these positions.

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.

Position certification for members who retired during the period of May 1, 2009, through June 30, 2010:

Employers must certify that the position being filled is a position that requires a valid Louisiana teaching or ancillary certificate. (*Act 347 of 2011*)

REMEMBER: DROP/ILSB account withdrawals can still be made, even if the retiree’s benefit is suspended.