

# KNOW YOUR RETIREMENT: NEW RETURN TO WORK LAWS

## DEFINITION OF "RETIRED TEACHER" EXPANDED Article by Shane Riddle, LAE Government Relations Specialist

On July 1, 2011, Governor Bobby Jindal signed into law Act 347 which expands the definition of "retired teacher" for return-to-work purposes.

Previously under Act 921, a TRSL member had to meet one of the following three criteria to be considered a "retired teacher."

- A retiree who retired from TRSL and returned to work in a TRSL position on or before June 30, 2010 (grandfathered group).
- A retiree who returns to active service (full or part-time) as a K-12 "classroom teacher" in a declared critical shortage area, and who is not in grandfathered group 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 (LDOE) in a school district where a shortage exists in those positions, and who is not in grandfathered group.

The New Law (Act 347) basically expands the provisions under Act 921 and allows certain TRSL retirees to receive retirement benefits upon re-employment. Act 347 applies to TRSL retirees who meet all of the following criteria:

1. Retired between May 1, 2009 and June 30, 2010, and
2. Returned to work in a position requiring a valid Louisiana teaching or ancillary certificate.

The new law requires that the position the eligible retiree fills is a position that requires a valid Louisiana teaching or ancillary certificate. As part of the TRSL enrollment process, employers must certify that the position being filled meets the requirements of the new law under LDOE Bulletin 746.

It's important to note that TRSL retirees re-employed before July 1, 2010, are retired teachers no matter what position they hold, and may continue in return-to-work status for as long as they want; may work full-time or part-time; and may stop working, then return to work later.

Return-to-work provisions			
Type of retiree		Criteria	Employer certification
Retired teachers:	Re-employed on or before June 30, 2010 (Grandfathered Group)	<ul style="list-style-type: none"> <li>• 12-month waiting period already met</li> <li>• Eligible to receive full retirement benefit</li> <li>• Unsheltered contributions deducted and remitted to TRSL</li> </ul>	None
	Re-employed as a full-time K-12 "classroom teacher"	<ul style="list-style-type: none"> <li>• Must be in a declared critical shortage area</li> </ul>	Must certify shortage within 45 days of enrollment notification to BESE and TRSL
	Re-employed as a part-time K-12 "classroom teacher"	<ul style="list-style-type: none"> <li>• 12-month waiting period applies, resulting in suspension of benefits if re-employed within 12 months of retirement</li> </ul>	
	Re-employed as a full-time certified speech therapist, speech pathologist, or audiologist whose position requires a valid Louisiana ancillary certificate approved and issued by the Louisiana Department of Education	<ul style="list-style-type: none"> <li>• Eligible to receive full retirement benefit following 12-month waiting period</li> <li>• Unsheltered contributions deducted and remitted to TRSL</li> </ul>	
	Retirees who retired during the period of May 1, 2009, through June 30, 2010, and return to work in a position that requires a valid Louisiana teaching or ancillary certificate	<ul style="list-style-type: none"> <li>• 12-month waiting period already met</li> <li>• Eligible to receive full retirement benefit</li> <li>• Unsheltered contributions deducted and remitted to TRSL</li> </ul>	Must certify that position requires a valid certificate within 45 days of enrollment notification
Retired members:	Re-employed retirees who do not meet the definition of "retired teacher"	<ul style="list-style-type: none"> <li>• Benefit suspended for duration of employment</li> <li>• Contributions are not required</li> <li>• Termination must be processed before benefit payments can resume</li> </ul>	None