

## EMPLOYMENT OF RETIRED PERSONNEL

The Superintendent, or principal, with the approval of the Superintendent, may employ retired employees under certain conditions; however, an employee whose retirement has been accepted shall not be guaranteed any position/employment with the Livingston Parish School Board.

### CERTIFIED PERSONNEL

Certified personnel who are members of the *Teachers' Retirement System of Louisiana* (TRSL) who have retired and are rehired shall be designated as either a *retired teacher* or *retired member*, as provided below:

#### Retired Teachers

A *retired teacher* is:

1. A person reemployed in a reemployment-eligible position, specifically:
  - A. *Reemployment-eligible critical shortage position* or *critical shortage position* which shall include any of the following:
    - (1) A position for a full-time or part-time classroom teacher who teaches any student in pre-kindergarten through twelfth grade in a school where a critical shortage exists.
    - (2) A position for a full-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, school psychologist, interpreter, educational transliterator, or educator of the deaf or hard of hearing, whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the Louisiana Department of Education where a critical shortage exists.
  - B. *Reemployment-eligible position* which shall include:
    - (1) A position for a substitute classroom teacher who teaches any student in pre-kindergarten through twelfth grade.
    - (2) A position assigned to the professional activities of instructing adults through an adult education or literacy program administered through a public institution of elementary or secondary education, provided the retiree has a valid Louisiana teaching certificate.

- (3) A position for a school nurse.
  - (4) A position for a presenter or professional development training.
  - (5) A position for a tutor for any student in pre-kindergarten through twelfth grade.
  - (6) A position for a classroom teacher employed in a temporary capacity to proctor tests.
2. A person classified as a reemployment-eligible retiree who is:
- A. A member of the TRSL who was retired on or before June 30, 2010.
  - B. A retiree who holds an advanced degree in speech therapy, speech pathology, or audiology.

*Critical shortage* shall mean a situation in which the School Board has advertised and posted notice of positions to be filled and has received fewer than three (3) certified applicants. Certification that a critical shortage exists shall be presented to the Louisiana Board of Elementary and Secondary Education (BESE) and the *Teachers Retirement System of Louisiana*, in order for a retiree who is employed in a critical shortage area to be eligible to receive retirement benefits.

Prior to making such certification of a critical shortage for any *full-time critical shortage position*, the School Board shall be required to advertise in the School Board's official journal, on two (2) separate occasions, notice that a shortage of certified teachers exists and the positions to be filled. Additionally, the School Board shall cause notice of the shortage of certified teachers to be posted at the career development or similar office of every post-secondary institution within a 120 mile radius of the School Board. If a certified applicant who is not a retiree applies for an advertised position, such person *shall be hired* before any certified retiree is employed, unless fewer than three (3) applicants have applied for the position, each of whom is certified in the critical shortage area being filled.

*Classroom teacher* shall mean any employee whose position of employment requires a valid Louisiana teaching certificate and who is assigned professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures are kept, or is assigned to proctor admission, evaluation, or assessment testing; however, such proctoring shall not be considered a subject area for a critical shortage. Such classroom situations may include testing in school classrooms or other settings such as homes or hospitals or other learning situations including co-curricular activities. Instruction may be provided in person or through an approved medium such as television, radio, computer, Internet, multimedia telephone, or correspondence and may be delivered inside or outside the classroom or in other teacher-student settings.

*Substitute classroom teacher* shall mean a classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach or proctor for any reason.

### Salary of Retired Teacher

The salary of any retired teacher who is reemployed shall be based on the salary schedule which accounts for all prior years of teaching service and pertinent experience. The earnings of a retired teacher returning to active service may result in a reduction in retirement benefits received, in accordance with statutory provisions.

Any retiree who returns to active service with the School Board on or after July 1, 2020 shall choose one of the irrevocable options found in La. Rev. Stat. Ann. §11:710.1, as summarized below:

#### Option 1

Return to work with an allowable employment earnings cap of 25% of his/her final average compensation with a reduction in the retirement benefit if the cap is exceeded.

#### Option 2

Suspend his/her benefit, return to work with no employment earnings cap, and begin to accrue a supplemental benefit for the duration of service after reemployment.

The choice shall be made in writing and filed with the School Board.

### Retired Member Not Considered a Retired Teacher

A retired member not considered a *retired teacher*, who returns to active service with the School Board, shall have his/her retirement benefits suspended for the duration of reemployment, even if such employment is based on a contract, and shall make no contributions to the TRSL and shall receive no additional service credit nor accrue any additional retirement benefits.

### Notification to TRSL

Whenever a retiree returns to active service, the School Board shall, within thirty (30) days thereafter, notify the TRSL in writing of such employment, the date of reemployment, and a determination as to whether the person is a *retired teacher*.

Upon termination, the School Board shall provide the same notice. In addition, the School Board shall also report to the retirement system within forty-five (45) days after June thirtieth of each year, the names of all persons being paid by the employing agency and

all persons having received a benefit pursuant to the provisions of state law, along with such individuals' social security numbers, their positions, their designations as part-time or full-time, and the amount of their earnings during the previous fiscal year ending on June thirtieth of the reporting year. Additionally, the employing agency shall transmit a monthly contributions report pursuant to La. Rev. Stat. Ann. §11:888(A). Such monthly reports shall be transmitted within thirty (30) days of the last day of each month and shall include the salary paid to each individual retiree identified as a "retired teacher" pursuant to this policy. Should failure to give notice of return to active service or failure to report any other information required by state law result in any payment being made in violation of state law, the School Board shall be liable to the system for the repayment of such amounts.

The failure of the School Board to submit the report required for any retiree who returns to active service with the School Board on or after July 1, 2020 shall result in the retiree being considered as returning to active service under the provisions of Option 1 of La. Rev. Stat. Ann. §11:710.1.

### BUS OPERATORS

A bus operator who has retired from service may be employed and return to service as a full-time bus operator. If a retired bus operator is reemployed, the Superintendent shall certify to the BESE that a shortage of qualified bus operators exists in the school district.

Whenever a retired bus operator is reemployed, the School Board shall notify the *Louisiana School Employees Retirement System* (LSERS) in writing within ten (10) days of such employment and the date employment began. In addition, the School Board shall submit to LSERS before September 1 of each school year of reemployment of a bus operator a declaration stating the Board's intent to reemploy the bus operator. The declaration shall be signed by the Superintendent or his/her designee and the employee. If such declaration is not received by September 1, the reemployed bus operator shall be subject to retirement benefits and other conditions in accordance with La. Rev. Stat. Ann. §11:1006. Upon the bus operator's termination, the School Board shall provide LSERS in writing information and notice of the termination.

The School Board shall be required to report to LSERS within forty-five (45) days after June 30<sup>th</sup> of each year the names of all retired bus operators being paid by the School Board, their social security numbers, and the amounts of their earnings during the previous year.

### Actuarial Cost

If a retired bus operator is reemployed, the School Board shall pay to LSERS the actuarial cost for the bus operator that is in excess of the cost that would have been incurred if the School Board had reemployed the bus operator pursuant to the provisions of La. Rev. Stat. Ann. §11:1006.

OTHER NON-CERTIFIED EMPLOYEES

Any retired non-certified employee, other than a bus operator, may be reemployed as a full-time, part-time, temporary, or substitute employee. The School Board shall be required to transmit monthly, by the fifteenth (15<sup>th</sup>) day after the end of the month, a report to the *Louisiana School Employees Retirement System* (LSERS) with the name, social security number, and the amount of earnings of the retiree during the previous month.

New policy: November 18, 2010

Revised: October 6, 2011

Revised: November, 2012

Revised: November, 2015

Revised: August 1, 2019

Revised: December, 2020

Ref: La. Rev. Stat. Ann. §§11:710, 11:710.1, 11:1006, 11:1007, 17:81; Board minutes, 11-18-10, 10-6-11, 8-1-19.