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The employment of a TRSL retiree into a TRSL-covered position is the decision of each employing agency. If you decide to proceed with hiring a retiree, [La. R.S. 11:710](#) governs the re-employment of TRSL retirees with respect to the impact on the retiree's benefit and whether retirement contributions will be paid. The information in this section is provided to help you determine whether a retiree returning to work in a TRSL-covered position meets the definition of "retired teacher" or "retired member," as defined in the return-to-work (RTW) law. This Index will also provide information specific to each "retired teacher" category, as well as guidance regarding the enrollment of retirees and required employer reporting.

The category to which a RTW retiree belongs ("retired teacher" or "retired member") will determine whether a retiree's benefit will be subject to suspension and whether retirement contributions must be paid.

The categories of "retired teacher" are as follows:

1. Re-employment eligible retiree:

- Retiree who retired prior to July 1, 2010 (grandfathered group)
- Retiree who holds an advanced degree in speech therapy, speech pathology, or audiology

2. Re-employment-eligible, critical shortage position:

- Full- or part-time PreK-12 "classroom teacher" where a critical shortage exists
- Full-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, school psychologist, interpreters, educational transliterators, or educators of the deaf or hard of hearing in a school district where a critical shortage exists. (Interpreters, educational transliterators, and educators of the deaf or hard of hearing were added to this category by Act 492 of the 2018 Regular Legislative Session.)

3. Re-employment eligible position (25% earnings limit):

- Substitute PreK-12 "classroom teacher"
- Adult education or literacy program teacher
- Adjunct professor, as defined in the RTW law
- School nurse, as defined in the RTW law
- Presenters of professional development training
- Tutors for any PreK-12 student
- "Classroom teachers" employed in a temporary capacity to proctor tests

A re-employed retiree that meets the criteria of "retired teacher" is eligible to receive his or her retirement benefit while re-employed, once the applicable waiting period following retirement is met. Employers are

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required to deduct and remit unsheltered contributions to TRSL for re-employed retirees categorized as a "retired teacher."

"Retired members" are retirees who are employed in a TRSL-eligible position, but who do not meet the definition of a "retired teacher" as outlined in the RTW law. A "retired member" will have his or her retirement benefit suspended during re-employment. Retirement contributions during re-employment are not required for "retired members."

NOTE: The RTW law applies to direct employment as well as employment by contract or corporate contract.

Key terms & definitions

Employers should be familiar with the following terms and definitions that pertain to TRSL's return-to-work law. Complete definitions of all terms below are set forth in La. R.S. 11:710.

Adjunct professor

Any part-time faculty, including instructor, assistant professor, associate professor, or professor, assigned the professional activities of instructing pupils or conducting research at a public institution of post-secondary education.

"Classroom teacher"

Any employee:

- Whose position of employment requires a valid Louisiana teaching certificate and who is assigned the professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures are kept; or
- Who is assigned to proctor admission, evaluation, or assessment testing.

Critical shortage

Any situation where a shortage exists of:

- Certified teachers in a certain subject area; or
- Certified speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, or school psychologists; or
- Interpreters, educational transliterators, or educators of the deaf or hard of hearing

The school superintendent and/or personnel director must complete certain actions to declare a critical shortage before re-employing a retiree. The employer (not TRSL) declares the critical shortage.

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Re-employment eligible retiree

Any TRSL retiree who returns to work and:

- Retired prior to July 1, 2010 (grandfathered group); or
- Holds an advanced degree in speech therapy, speech pathology, or audiology

Re-employment eligible, critical shortage position (requires annual certification)

Any TRSL retiree who returns to work as one of the following:

- Full- or part-time PreK-12 "classroom teacher" where a critical shortage exists; or
- 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 in a school district where a critical shortage exists

Re-employment eligible position, 25% earnings limit

Any TRSL retiree who returns to work as a:

- Substitute PreK-12 "classroom teacher;" or
- Adult education or literacy program teacher; or
- Adjunct professor (as defined in return to work law); or
- School nurse (as defined in La. R.S 17:28); or
- Presenters of professional development training; or
- Tutors for any PreK-12 student; or
- "Classroom teachers" employed in a temporary capacity to proctor tests

"Retired member"

Any TRSL retiree who returns to work in a TRSL-covered position but does not meet the criteria to be considered a "retired teacher"

School nurse

Any TRSL retiree who returns to work in a TRSL-covered position as a school nurse as defined in La. R.S. 17:28.

Substitute "classroom teacher"

Any "classroom teacher" employed in a temporary capacity to fill the position of another "classroom teacher" who is unavailable to teach for any reason.

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Waiting period

All retirees are subject to a 12- or 36-month waiting period. This waiting period begins on the date of retirement and continues for the duration of re-employment or the lapse of the waiting period, whichever occurs first.

"Retired teacher" vs. "retired member"

While the return-to-work law does not prohibit you from employing TRSL retirees, it does specify what happens to the retirement benefits of a re-employed retiree and determine whether salary and contributions are required to be reported on your monthly salary/contributions files.

"Retired teacher" is the classification which allows a retiree to be re-employed and continue to receive his or her retirement benefit during the period of re-employment. Employers must remit unsheltered contributions for "retired teachers."

"Retired member" is the classification which requires the suspension of a retiree's benefit during re-employment in a TRSL-covered position. No contributions are required to be paid to TRSL. This may include individuals re-employed in administrative and other positions not meeting the "retired teacher" criteria.

Key points to remember

- The RTW law applies to all TRSL retirees, *even those returning to work through an independent or corporate contract.*
- After the 12-or 36-month waiting period has been met, only retirees classified as "retired teacher" can draw their retirement benefit while re-employed. "Retired members" retirement benefits are suspended for the duration of re-employment in a TRSL-covered position.
- Re-employed retirees do not earn additional service credit or additional benefits.
- Disability retirees who return to work in the field of education, whether public or private, will have their retirement benefits terminated.

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12- or 36-month waiting period

Retirees returning to work in a TRSL-covered position are subject to a waiting period following retirement. The waiting period is either 12 or 36 months and begins on the date of the member's retirement. If a retiree is re-employed within the first 12 or 36 months of retirement, as applicable, TRSL must suspend the retirement benefits until the completion of the waiting period or the end of re-employment, whichever occurs first. The table below provides the criteria to determine a retiree's applicable waiting period.

Return-to-work waiting period	
12 months	<ul style="list-style-type: none"> Individuals who retired before July 1, 2017 Individuals who retired on or after July 1, 2017 and have advanced degrees in speech therapy, speech pathology or audiology Individuals who retired on or after July 1, 2017, and whose retirement benefit was not actuarially reduced or was not calculated at an accrual rate of less than 2.5 %
36 months	<ul style="list-style-type: none"> Individuals who retired on or after July 1, 2017, and whose retirement benefit was actuarially reduced or was calculated at an accrual rate of less than 2.5%

To assist employers who are reviewing whether a retiree is subject to a 12- or 36- month waiting period, there is an indicator on the TRSL Employer/ Membership Information Site (EMIS) Member Summary Page, which states if a member is subject to a 36-month waiting period. See example on the following page. If the member is not subject to a 36-month waiting period, there will be no waiting period notation. Such retirees with no waiting period notation are subject to a 12-month waiting period.

Also note that all members whose benefit was actuarially reduced or calculated at an accrual rate of less than 2.5% will have the 36-month indicator on his or her Member Summary Page. In the event the retiree holds an advanced degree in speech therapy, speech pathology or audiology, that retiree will have a 12-month waiting period, regardless of the notation on his or her Member Summary Page. The RTW law provides an exception to the 36-month waiting period for the speech-related advanced degree category of "retired teacher."

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When determining when a retiree is within their applicable waiting period, employers can access the retiree's retirement date on the Member Summary Page.

EXAMPLE – Indicator for 36-month waiting period retirees.

Individuals who retired on or after July 1, 2017, and whose retirement benefit **was** actuarially reduced or **was** calculated at an accrual rate of less than 2.5% are subject to a 36-month waiting period, with the exception of speech-related advanced degree "retired teachers." The EMIS Member Summary will display if a retiree is subject to a 36-month waiting period.

TRSL Regular Plan Information

Date of Service Accrual: 01/13/1995	Average Comp: \$3,019.31
Switch-Over Date:	
Social Security Eligibility Date:	
	Original Retirement Plan RTW 36 mo waiting period

Critical shortage

Employers may declare a critical shortage when it has been determined there is a critical shortage of certified PreK-12 "classroom teachers" in a certain subject area. A specific subject area or grade level(s), if elementary, must be identified when declaring a critical shortage.

A critical shortage may also exist when there is a shortage of certified speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, school psychologists, interpreters, educational transliterators, or educators of the deaf or hard of hearing.

Prior to enrolling a retiree using the TRSL Employer/Membership Information Site (EMIS) in the re-employment eligible, critical shortage position category, certain reporting requirements must be met for full-time and part-time positions.

Steps to declare a critical shortage

Requirements for full-time employment

(applies to PreK-12 "classroom teachers," speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, school psychologists, interpreters, educational transliterators, and educators of the deaf or hard of hearing)

1. Employers must advertise the full-time, critical shortage position(s) in the official journal notice of the employing agency's governing authority on **two** separate occasions. Notice should state that a

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shortage of certified teachers (or other critical shortage positions) exists and the position(s) sought to be filled.

*NOTE: Advertising the position on Teach Louisiana **does not** satisfy the requirement of advertising in the official journal of the employer's governing authority. Teach Louisiana can be used as a supplemental advertising source.*

2. Employers must post the job notice at the career development office (or similar entity) of every post-secondary institution within a **120-mile radius** of the employer's governing authority.

*Includes public **and** private institutions, **as well as** out-of-state institutions to fulfill the 120-mile radius job posting requirement.*

3. If **fewer than three** qualified applicants apply and the retiree is certified in the subject area/position, the employer can hire the retiree under critical shortage, full-time. If **three or more** qualified applicants apply for the position, the position does not meet the requirements set forth in law to be classified under the critical shortage provisions.
4. Any retiree hired for full-time critical shortage "classroom teacher" positions must be certified in the subject area of the critical shortage. Any retiree hired in other critical shortage areas (speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, school psychologist, interpreter, educational transliterator, and educator of the deaf or hard of hearing) must be certified for the position he or she is filling.
5. Full-time critical shortage positions must be certified to TRSL and the Board of Elementary and Secondary Education (BESE) within 45 days of enrollment.

NOTE: Critical shortage for speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, school psychologists, and interpreters, educational transliterators, and educators of the deaf or hard of hearing are restricted to full-time employment. Full-time employment, as provided in federal regulation governing TRSL, is a position in which an employee normally works more than 20 hours per week.

Requirements for part-time employment

(only applies to PreK-12 "classroom teachers")

1. Prior to declaring a critical shortage of teachers to fill a part-time "classroom teacher" position, employers are **not** required by the return to work law to advertise for the position.

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2. Any retiree hired to fill a part-time critical shortage "classroom teacher" position must be certified, but is not required to be certified in the critical shortage subject area.
3. Part-time critical shortage positions must be certified to TRSL and BESE within 45 days of enrollment.

NOTE: Part-time employment, as provided in federal regulation governing TRSL, is a position in which an employee normally works 20 hours or less per week.

Certifying a critical shortage to TRSL & BESE

The RTW law requires employers to certify critical shortage areas to TRSL and BESE. To fulfill this requirement with TRSL, complete and submit the [Retiree Return-to-Work Critical Shortage Certification](#) (Form 15CS) after the enrollment has been processed. The Form 15CS must be submitted to TRSL within 45 days of the retiree's enrollment in TRSL. **Note that when a retiree is enrolled in a critical shortage category, the RTW law requires TRSL to suspend his or her monthly benefit until the employer certifies the critical shortage.** Therefore, employers are encouraged to submit the Form 15CS as soon as possible after enrolling the retiree.

After TRSL receives the critical shortage certification, as a re-employed retiree meeting the "retired teacher" criteria, the retiree is not subject to a suspension of retirement benefits during the re-employment, provided the applicable waiting period has been met. TRSL will reinstate the retiree's monthly benefit and issue payment for any applicable missed benefits during this suspension period.

If TRSL does not receive the critical shortage certification within 45 days of enrollment, the retiree will be reclassified as a "retired member" and benefits will remain suspended for the duration of the employment.

*REMINDER: Employers must process the online enrollment for a retiree being re-employed in a critical shortage position **prior** to submitting the Form 15CS certification.*

All critical shortages must be declared and certified on an annual basis. TRSL will terminate all RTW critical shortage employment on June 30th of each fiscal year.

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Critical shortage (CS) area required information	PreK-12 "classroom teacher"		Full time: Speech therapist, speech pathologist, audiologist, school counselor, school social worker, educational diagnostician, school psychologist, interpreter, educational transliterator, and educators of the deaf or hard of hearing
	Full-time	Part-time	
Statement declaring CS in position to be filled	✓	✓	✓
Name of certified retiree hired to fill CS	✓	✓	✓
Duration of employment	✓	✓	✓
Date of certification to BESE	✓	✓	✓
Statement that position has been properly advertised on two occasions	✓		✓
Date of advertisement(s)	✓		✓
Statement that no certified, non-retired applicants applied, or that there were fewer than three certified applicants	✓		✓
Signatures of superintendent and personnel director	✓	✓	✓
Signature of school board designee			✓
Job notice posted at every career development office (or similar entity) of a post-secondary institution within a 120-mile radius of the school board	✓		✓

Completion of TRSL Form 15CS satisfies the above requirements set forth in law. You are required to maintain proof of certification requirements, advertisements, submissions for posting and applicant information.

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25% earnings limit

When employers enroll a retiree under the re-employment eligible position, 25% earnings limit category, the TRSL Employer/Membership Information Site (EMIS) will display the retiree's earnings limit amount (25% of his or her annual retirement benefit) on the EMIS Member Summary page. An enrollment confirmation letter is mailed to each retiree and provides this 25% earnings limit amount.

Retirees who exceed the 25% earnings limit will have their benefit reduced by the amount in excess of the 25% limit. If a retiree returns to active service in more than one position that is subject to the 25% earnings limit in any fiscal year, the limit applies to the total earnings for all such positions in the fiscal year (July 1 – June 30).

NOTE: The RTW law mandates that employers who fail to report earnings to TRSL and such earnings result in the overpayment of retirement benefits, the employer will be liable for repayment of the retirement benefits to TRSL.

EXAMPLE - Earnings limit calculation

$$\begin{array}{|c|c|c|} \hline \text{Annual benefit} & \times 25\% & \text{Earnings limit} \\ \hline \$37,884.00 & & \$9,471.00 \\ \hline \end{array}$$

TRSL Regular Plan Information

Date of Service Accrual: 08/23/1984		Final Average Comp: \$4,175.38	
Switch-Over Date:			
Social Security Eligibility Date:			
RTW Earnings Limit: \$9,471.00		Original Retirement Plan	
Service Credit for Benefit Computation		Member Contributions	
Regular Service	30.00	Regular Salary Report as of 06/2017	31.20
Total as of 12/02/2014	30.00	Total Contributions	31.20

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Position certifications

For certain "retired teacher" positions, employers are required to certify the degree or certification held by a retiree and/or that the position to be held meets certain requirements. Certifications are required for the following:

1. Retirees with an advanced degree in speech therapy, speech pathology, or audiology;
2. Retirees instructing adults through an adult education or literacy program; and
3. School nurse position (as defined in [La. R.S. 17:28](#))

This certification is a requirement when completing the online enrollment process for a retiree in one of the above categories. (*Retiree Return-to-Work Position Certification* (Form 15POSC) is no longer used for certification and is no longer available.)

The certification for each area outlined above is as follows (Example which follows and Example 3 below show the certification in EMIS):

Advanced Degree in Speech

I certify that the retiree I am enrolling holds an advanced degree in speech therapy, speech pathology, or audiology.

Adult Education

I certify that the retiree I am enrolling holds a valid Louisiana teaching certificate and will be instructing adults through an adult education or literacy program administered through a public institution of elementary or secondary education.

School Nurse

I certify that the retiree I am enrolling is filling the school nurse position provided for in La. R.S. 17:28.

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Enter Enrollment Information Below	
System:	4 ▾
Employer ID:	<input type="text"/>
Enrollment Date (mm/dd/yyyy):	<input type="text"/>
Return-to-Work Provision:	Earnings Limit School Nurse ▾
Gender (update gender if needed):	▾
Address:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
Zip Code:	<input type="text"/>
<input type="checkbox"/> I certify that the retiree I am enrolling is filling the school nurse position provided for in La. R.S. 17:28.	
<input type="button" value="Submit"/>	

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[La. R.S. 11:710](#) requires employers to notify TRSL of all retirees returning to work in TRSL-covered positions within 30 days of such re-employment. If an employer fails to enroll a re-employed retiree within 30 days of re-employment, and a retiree receives benefits which would have been suspended had the enrollment occurred timely, the return to work law provides that the employer shall be liable to TRSL for repayment of such benefits.

Instructions for return to work enrollments in the TRSL Employer/ Membership Information Site (EMIS)

1. Log into EMIS
2. From the menu bar, select Updates
3. From the Updates pull down menu, select Enrollments
4. Enter the following information:
 - Social security number
 - System (2, 3, or 4)
 - Enrollment date (mm/dd/yyyy)
 - Return-to-Work provision (drop-down menu will list all types)
 - Gender
 - Position certification (if required)
5. Select Submit
 - If there are no errors, the enrollment will be processed and a confirmation message will display at the top of the window.
 - If there are errors, the enrollment will not be processed and the error message will be displayed.



NOTE: When a retiree is entered into EMIS during enrollment, EMIS will determine if the retiree being enrolled is within the grandfathered category of "retired teacher" based on date of retirement. See Example 1 below.

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EXAMPLE 1 – Retiree in re-employment eligible retiree category (grandfathered group)

Retirees with a date of retirement prior to July 1, 2010, (grandfathered group) will automatically default to the Return-to-Work Provision: Act 1173.

Enrollments

SSN:	Date of Birth:
Name:	

Instructions for Enrolling Return-to-Work Members:
1. Complete all required fields and click 'Submit'.

Status Information

System	Status	Status Code	Status Date
4	DROP RET	(RR)	01/01/2010

Employment History

Employer ID	Employer Name	System	Start Date	End Date	RTW Type
0097	TRSL	4	03/05/2008	12/31/2009	AUTO-ENROLL
0097	TRSL	4	09/16/1976	03/04/2005	

Enter Enrollment Information Below

System:	4 ▼
Employer ID:	<input type="text"/>
Enrollment Date (mm/dd/yyyy):	<input type="text"/>
Return-to-Work Provision:	Member will be enrolled under the return-to-work provisions of Act 1173.
Gender (update gender if needed):	Female ▼
Address:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
Zip Code:	<input type="text"/>

Submit

EMIS Member Summary - Employment History will display the RTW Type.

Employment History				
Empr ID	Emp Ind	Employer Name	RTW Type	Employment Dates
0028	P	LAFAYETTE SC BD		08/30/1971 to 10/19/1998
0028	P	LAFAYETTE SC BD	AUTO-ENROLL	10/20/2001 to 08/17/2008
0028	R	LAFAYETTE SC BD	RTW-ACT1173	08/20/2008 to 08/20/2012

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EXAMPLE 2 – Pull down menu to select the applicable return-to-work provision

A pull-down menu on the Enrollment page will identify each return to work category.

Enrollments

SSN: _____ Date of Birth: _____
Name: _____

Instructions for Enrolling Return-to-Work Members:
1. Complete all required fields and click 'Submit'.

Status Information			
System	Status	Status Code	Status Date
4	DROP RET	(RR)	

Employment History					
Employer ID	Employer Name	System	Start Date	End Date	RTW Type
		4			AUTO-ENROLL
		4			

Enter Enrollment Information Below

System: ▼

Employer ID:

Enrollment Date (mm/dd/yyyy):

Return-to-Work Provision:	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">Choose a Return To Work Provision</p> <p>Critical Shortage Full-Time (PreK-12)</p> <p>Critical Shortage Part Time (PreK-12)</p> <p>Critical Shortage Speech Therapist, etc.</p> <p>Critical Shortage Educational Diagnostician</p> <p>Critical Shortage School Counselor</p> <p>Critical Shortage Social Worker</p> <p>Critical Shortage School Psychologist</p> <p>Critical Shortage Interpreter</p> <p>Critical Shortage Educational Transliterator</p> <p>Critical Shortage Educator of Deaf or Hard of Hearing</p> <p>Earnings Limit PreK-12 Substitute</p> <p>Earnings Limit Adult Ed Literacy Ins</p> <p>Earnings Limit School Nurse</p> <p>Earnings Limit Proctor</p> <p>Earnings Limit Tutor</p> <p>Earnings Limit Presenter of Professional Development</p> <p>Advanced Degree Speech</p> <p>Suspend for Duration of Employment</p> </div>
Gender (update gender if needed):	
Address:	
City:	
State:	
Zip Code:	

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EXAMPLE 3 – Certification for retiree with speech-related advanced degree

When you select one of the following RTW provisions on the enrollment screen, the system requires an additional certification: Advanced Degree in Speech, Adult Education, or School Nurse.

Enter Enrollment Information Below	
System:	4 ▾
Employer ID:	<input type="text"/>
Enrollment Date (mm/dd/yyyy):	<input type="text"/>
Return-to-Work Provision:	Advanced Degree Speech ▾
Gender (update gender if needed):	▾
Address:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
Zip Code:	<input type="text"/>
<input type="checkbox"/> I certify that the retiree I am enrolling holds an advanced degree in speech therapy, speech pathology, or audiology.	
<input type="button" value="Submit"/>	

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Additional information

TRSL will mail a confirmation letter to the following:

- Enrolled retiree returning to work
- Employer who processed the enrollment for critical shortage (requires certification by employer)

Employers can verify TRSL has received and processed critical shortage certifications by reviewing the Member Summary-Employment History as follows:

- Emp Ind will display "R" when a Critical Shortage enrollment is processed and when receipt or review of required certification is pending
- Emp Ind is updated to "C" when the certification document review is completed

Employment History				
Empr ID	Emp Ind	Employer Name	RTW Type	Employment Dates
0050	P	ST MARTIN SC BD		08/20/1990 to 05/28/2015
0131	S	EVANGELINE TECH		02/01/1994 to 07/01/1994
0050	C	ST MARTIN SC BD	RTW-CS-FT (Position 112)	08/08/2016 to 05/26/2017
0050	R	ST MARTIN SC BD	RTW-CS-FT (Position 112)	08/10/2017 to 99/99/9999

Critical Shortage F-T certification received

Critical Shortage F-T certification not received/processed

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Quick reference:

Return to Work types displayed on EMIS-Employment History

RTW-ACT1173	Retiree prior to 7/1/2010 (grandfathered group)
RTW-ADVSPCH	Advanced Degree Speech
RTW-CS-FT	Critical Shortage Full-time
RTW-CS-PT	Critical Shortage Part-time
RTW-CS-SP	Critical Shortage Speech
RTW-CS-ED	Critical Shortage Educational Diagnostician
RTW-CS-SC	Critical Shortage School Counselor
RTW-CS-SW	Critical Shortage Social Worker
RTW-CS-PSY	Critical Shortage School Psychologist
RTW-EL-ADJ	Earnings Limit Adjunct
RTW-ELK12SB	Earnings Limit PreK12 Substitute
RTW-ELAELI	Earnings Limit Adult Education Literacy Instructor
RTW-EL-NURS	Earnings Limit School Nurse
RTW-921SUSP	Suspension
RTW-CSFTINT	Interpreter
RTW-CSFTDHH	Educator of the Deaf or Hard of Hearing
RTW-CSEDTRA	Educational Transliterater
RTW-EL-TUT	Tutor
RTW-EL-PRO	Proctor
RTW-EL-PPD	Presenter of Professional Development Training

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Monthly salary reporting

Employers are required to report salary and unsheltered contributions for all TRSL-retirees categorized as "retired teachers." State law mandates employers to withhold and remit employer and employee contribution amounts to TRSL each month.

Refer to Index 4.0 for more information about earnable compensation, contribution rates and monthly salary reporting.

Employers should include retirees in monthly salary/contributions reporting, as described in Index 4, and monitor this monthly report to ensure any retirees employed have been enrolled and/or contributions have been reported.

NOTE: The RTW law requires that employers report "retired teacher" earnings within 30 days of the end of each month. Failure to do so may result in an employer being liable, if a retiree receives an overpayment of benefits as a result of his or her employer failing to report earnings within 30 days of the end of the month.

EXAMPLE: Retiree employed as a "retired teacher" with a 25% earnings limit (re-employment eligible position) reaches or exceeds his or her earnings limit in a month. Employer fails to timely report earnings to TRSL. Had employer reported earnings timely, the retiree's monthly benefit would have been suspended, but was not suspended because earnings were not reported. In such cases, the employer is responsible for the overpayment received by the retiree.

Effective July 1, 2017, all return-to-work statuses with open enrollments (including the grandfathered group) with no monthly salary reporting will appear on the Contribution Exception Report for your agency as Enrolled Not Reported. If contribution reports have enrollments with no earnings for retirees, refer to Index 4.0 for reporting instructions.

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Terminations

State law requires employers to notify TRSL within 30 days when RTW employment ends. Employers can fulfill this requirement by processing online terminations using the TRSL Employer/Membership Information Site (EMIS).

Termination notifications are required for retirees re-employed under the suspension provision prior to the reinstatement of retirement benefits, provided all amounts due TRSL, as applicable, have been returned.

Additionally, notification of employment termination and certification that all earnings and contributions have been received, are required prior to TRSL refunding retiree RTW contributions.

Refer to Index 4.0 for more information regarding employment terminations.

August 15 reporting - (RET) Annual salary file

Each year, no later than August 15, employers must report to TRSL the earnings of all persons paid in the prior fiscal year, even if those earnings are for part-time, substitute, temporary, or independent or corporate contract work. (This includes earnings reported on IRS Form W-2 and those reported on IRS Form 1099.)

Refer to Index 18.0 (Electronic Services for RET file layout information).

Upon receipt of the annual file:

- TRSL auditors will compare employer data to EMIS to determine which employees are TRSL retirees.
- TRSL sends every employer a certification letter and the return to work data extract for final review.
- Employers are required to certify the accuracy of reported earnings data and provide specific details for all variances identified.
- Employers must complete the employer certification (signed by an authorized signer) and return it, along with the return to work report, to TRSL with 15 days of receipt. This certification acknowledges that TRSL will make applicable charges to an employer account, as deemed necessary.

If an employer's failure to report a retiree to TRSL is identified in the review of the Annual Salary File, the employer could be responsible for employer contributions, plus interest, and/or any overpayment of retirement benefits made in violation of the RTW law.

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To obtain access to the FTP site on the Internet for transferring the file, contact TRSL's Information Technology (IT) Department at (225) 925-6446, ext. 6460 for instructions.

Refer to Index 1.0 (Authorized Contacts & Employer Directory Contacts) for more information on authorized signers.

While employers do not need to include "Retired Members" on their Monthly Salary Files, they do need to include them on their August 15th RET File!

Return-to-work reference materials

- [TRSL Employer Procedures Manual](#)
 - Index 1.0 (Authorized Contacts & Employer Directory Contacts)
 - Index 4.0 (Monthly Salaries & Contributions Reports)
 - Index 18.0 (Electronic Services)
- [Frequently Asked Questions](#)
- [Step-by-Step to Declaring a Critical Shortage](#)
- [Retiree RTW Critical Shortage Certification](#) (Form 15CS)
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