



QUESTIONS & ANSWERS

2021 Annual Employer Training



State Agency Webinar

March 9, 2021

Higher Ed Webinar

March 10, 2021

K-12 Webinar

March 11, 2021

State Agency Webinar — March 9, 2021

Q1: Are contributions pre-tax or post-tax?

A1: Member contributions are tax-sheltered (pre-tax). There are, however, some exceptions, such as employees who are on workers' compensation (and not using sick leave), and members making contributions during USERRA military leave (and not using sick/annual leave).

For these instances, members contributions are unsheltered (post-tax). Additionally, when salary and contributions are required for a TRSL retiree who returned-to work in a TRSL eligible position, the contributions should be reported as unsheltered (post-tax).

REFERENCE: *Employer Procedures Manual [Index 4.0](#), Pg. 2 and [Index 15.0](#), Pg. 2.*

Q2: What is the ORP salary cap for a secondary part-time reporting agency such as LDOE?

A2: The ORP annual contributions limit is subject to change each year in January in accordance with the Internal Revenue Code. The maximum annual contribution limit for both employer & employee contributions is \$58,000 for 2021 calendar year. This limit is for all total contributions reported by primary and secondary employment combined.

REFERENCE: *Employer Procedures Manual [Index 16.0](#), Pg. 8 and TRSL's [IRS Limits](#) webpage*

Q3: Where can we find the TRSL calendar for year-end reporting dates?

A3: End of fiscal year close-out dates are typically announced in late March or early April via e-mail blasts to employer contacts and in the May issue of our employer newsletter, *The Key*.

You can sign up to receive email blasts from TRSL by going to our website and locating the "Subscribe to eNews" link at the top of the page. *The Key* is available under the Publications menu on our website.

REFERENCE: *May issue of [The Key](#) and eblasts announcing end of fiscal year reporting deadlines*

Q4: Why isn't annual leave rolled over to years of service?

A4: TRSL converts the unused annual leave for employees of state agencies, colleges, universities, and technical colleges for which the member is not paid and who were eligible to retire on or before June 30, 1990. In accordance with La R.S. 11:754, members may purchase service credit for unused annual leave for which they were not paid, at an actuarial cost. This applies to all members who were not eligible for service retirement on June 30, 1990, but only to the unused annual leave earned after June 30, 1990.

REFERENCE: *Employer Procedures Manual* [Index 17.0](#), Pgs. 18-19.

Q5: What is the purpose of the sick leave usage report?

A5: TRSL members' unused leave may be eligible for conversion to additional service credit at the time of their retirement. In order to calculate the leave conversion, TRSL requests all reporting agencies certify their employees' sick leave usage, since TRSL computes and converts a member's unused sick leave in accordance with La R.S. 11:752 by using the sick leave information certified by the employer.

REFERENCE: *Employer Procedures Manual* [Index 17.0](#), Pg. 1.

Q6: Our member accrues 5 weeks of sick leave a year. Does this matter if teachers only accrue 10 days per year?

A6: La R.S. 11:752 governs the computation of unused sick leave converted to additional service credit for TRSL. This statute requires TRSL to calculate each member's sick leave balance eligible for conversion to TRSL service credit at time of retirement based on accruals and formulas specified in this law. Employers are requested to report the number of sick leave days actually used for each fiscal year of employment so that TRSL can calculate the member's sick leave balance. TRSL cannot use the employer's sick leave balance recorded for the member.

REFERENCE: *La R.S. 11:752, Employer Procedures Manual* [Index 17.0](#), Pg. 1, [Sick Leave & Conversion to Service Credit](#) brochure

Higher Ed Webinar — March 10, 2021

Q1: Can the adjunct certification letter form be scanned to TRSL or does it have to be mailed?

A1: The Adjunct Certification letter can be scanned to email, faxed, or submitted by mail to TRSL. If choosing to email the form to TRSL or to your assigned Employer Services liaison, we encourage you to include only the last four digits of the member's SSN.

REFERENCE: *Employer Procedures Manual* [Index 6.0](#), Pg. 15

Q2: For the \$58,000 annual ORP limit for CY 2021, do we keep track of the 6.2% employer portion to be transferred only, or the full ER contribution rate which is currently 28%?

A2: ORP Contribution Limits for each calendar year are for the total of employer and employee contributions transferred to the ORP carrier. Therefore, the 7.95% employee portion PLUS the 6.2% employer portion that is actually transferred to the ORP participant's carrier cannot exceed the ORP \$58,000 contribution limit for 2021.

REFERENCE: TRSL's [IRS Limits](#) webpage and *Employer Procedures Manual* [Index 16.0](#), Pgs. 1, 2, & 8

Q3: Is there something special that needs to be done for those on Military leave?

A3: TRSL members on active military duty under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Louisiana Military Service Relief Act have the option of paying employee contributions while on unpaid leave. Members who choose to pay their employee contributions while on active military leave will accrue service credit for benefit computation and retirement eligibility.

- The employer must notify TRSL in writing of the member's start and end date for military leave.
- At the beginning of each fiscal year, the employers must provide a list of all members who are still on military leave.
- TRSL reporting for the member must reflect contributions as unsheltered until the military leave has ended, unless sufficient sick/annual leave is available which will require sheltered contributions.
- The employer must pay the applicable employer portion.

Members who choose not to pay contributions while on active military duty will be reported the same as on leave without pay.

- The employer should continue to include the member on the monthly contributions reports until the military leave ends.
- Under the provisions of USERRA, the employee will accrue service credit for eligibility purposes only upon employer certification and if certain other criteria are met.
- The employee may also be eligible to purchase service credit for benefit computation credit. For additional information about purchasing service credit under USERRA, please refer to our Purchases & Transfers of Service Credit brochure.

REFERENCE: *Employer Procedures Manual [Index 4.0](#), Pg. 25 (USERRA military leave)*

Q4: Those with a 36-month waiting period. Are they flagged where we can see them in EMIS?

A4: 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 indicates if a member is subject to a 36-month waiting period. Retirees with no waiting period notation are subject to a 12-month waiting period. Please note, if a retiree makes the irrevocable election to convert to the 2020 RTW law, the 36-month waiting period will convert to 12-months. Additionally, if a member retires at less than 2.5% and they have no RTW history prior to 7/1/2020 they will default to a 12-month waiting period, but will still show the 36-month indicator in EMIS. At this time, the 36-month indicator will not be removed from the system. Any questions about a retiree's waiting period or the 36-month indicator should be addressed to Jessica Trosclair.

REFERENCE: *Employer Procedure Manual [Index 15.1](#), Pg. 6*

Q5: So, an Option 2 RTW has to reapply for retirement. Does the standard retirement rule that the application must be received on or before the retirement date still apply?

A5: Retirees under RTW Option 2 shall have their retirement allowance restored effective as of the date of a properly executed application for subsequent retirement or the date after the member terminates from service, whichever is later. The supplemental benefit is payable and effective 90 days from the date of termination.

REFERENCE: *La. R.S. 11:710.1(A)(2)*

Q6: I am unable to do the 11RTW online?

A6: The 11RTW cannot be submitted online. It can be submitted via email, fax, or regular mail.

REFERENCE: [Form 11RTW](#), "How to Submit"

Q7: For those that RETIRED at 100%, will the member get the RTW Supplemental benefit for an additional benefit or not?

A7: In no event shall the supplemental benefit exceed an amount which, when combined with the original benefit, equals one hundred percent of the greater of the average compensation figure used to compute the supplemental benefit or the average compensation figure used to compute the original benefit.

REFERENCE: *La. R.S. 11:710(A)(2)*

Q8: What will be on the exception report, if the line from an employer is removed. How will the employer know they changed laws at a different agency?

A8: Retirees cannot be enrolled under RTW Option 1 (Earnings Limit) and RTW Option 2 (Suspended Benefit/Regain Membership) at the same time. Similarly, they cannot have concurrent enrollments under the 2010 RTW law and the 2020 RTW law. Any active, RTW Option 1 enrollments will be automatically terminated if the retiree is enrolled by another employer under RTW Option 2.

Likewise, any active enrollments under the 2010 RTW law will be automatically terminated if the retiree is enrolled under a 2020 RTW law provision. The monthly exception report will show an error of "reported not enrolled" in this scenario.

REFERENCE: *Employer Procedure Manual [Index 15.2](#), Pg. 7 and [Index 4.0](#), Pg. 44*

Q9: You stated if the retiree selects RTW Option 2 they will get service credit, but if the employee has 20 years, and is active for 5 years they have 20 + 5, not 25 years? Please explain this again.

A9: Service credit earned under RTW Option 2 is used for benefit calculation purposes only, not eligibility. The supplemental benefit is calculated with same formula used to determine the retiree's original benefit. If re-employment lasts at least 36 months, the supplemental benefit is calculated based on the higher of the retiree's original FAC or the FAC since re-employment.

REFERENCE: *Employer Procedure Manual [Index 15.2](#), Pg. 5*

Q1: We have a contract speech therapist (non-retiree) who is paid from us on a 1099, Should she pay into TRSL?

A1: If Secondary Employment applies, and the individual contract is for more than \$1,000, then the entire payment is earnable compensation subject to TRSL employer and employee contributions. If the individual contracts are for \$1,000 or less, but the cumulative amount of the Form 1099 payments issued by a single secondary employer to that member exceeds \$15,000 in a fiscal year, then all Form 1099 payments in excess of \$15,000 in that TRSL fiscal year are earnable compensation subject to TRSL employer and employee contributions.

REFERENCE: Employer Procedures Manual Index 2.0, Pg. 7, Index 4.0, Pg. 3, La. Administrative Code Title 58 §201.

Q2: Will this (webinar) recording be shared?

A2: Yes, the 2021 Annual Employer Training webinars were recorded and will be available through a link to GoTo on the Employers' page of www.TRSL.org.

REFERENCE: Employer email eBlast on 3/22/2021, May issue of [The Key](#), [Employer Training](#) webpage

Q3: If we offer additional sick leave from FFCRA, does that need to be submitted to TRSL?

A3: The Families First Coronavirus Response Act (FFCRA) provides a maximum of 10 days (80 hours) of Emergency Paid Sick Leave (EPSL). Employers should not report EPSL as sick leave days used. However, if the employee uses sick leave from their own leave balance, employers should report those days as sick leave usage in accordance with R.S. 11:752.

If using Emergency Paid Sick Leave (EPSL), employers should report the earnings actually received and the contributions withheld for the reporting period. Full-time earnings should reflect the amount of earnings the member would have received for the entire month at regular pay (100%).

REFERENCE: [The Key](#), February 2021 "Tips for COVID-19 salary and sick leave reporting"

Q4: Regarding reporting earnings, if someone works summer school and the money is earned in June and July but not reported/paid until July and August, should that money be moved to previous FY?

A4: All earnable compensation for TRSL-covered employees should be reported in the fiscal year earned (July through June is TRSL's fiscal year). Whenever an agency reports a TRSL-covered employee's earnings in July but the salary was actually earned in June, TRSL refers to this as "rollover earnings."

Employers should process online Prior Year Salary Corrections to move rollover earnings to the correct fiscal year earned. Since there is more than one fiscal year involved when correcting rollover (moving earnings from one fiscal year to another), the employer must submit all prior year salary corrections affected by rollover earnings on the same day.

REFERENCE: Employer Procedure Manual [Index 4.0](#), Pg. 2 (Earnable compensation) and Pg. 71 (Rollover earnings)

Q5: Is there a report we can run to see who will have money posted in summer that needs to be moved? I know it will show if it's a questionable year but not everyone will show questionable.

A5: While there is no specific report identifying summer school earnings that need to be moved to a previous fiscal year, TRSL encourages employers to pull their Contribution Exceptions report and review their Salary Rejections on a monthly basis.

REFERENCE: Employer Procedure Manual [Index 4.0](#), Pgs. 41-52.

Q6: Is employee incentive pay under R.S. 17:10.2, excluded from earnable compensation in accordance with R.S. 17:10.2 B(2)(b)?

A6: A city or parish school board may adopt written policies and procedures to establish and implement for such employees of the board as it deems appropriate an incentive compensation program providing for monetary awards based on performance which meets or exceeds standards established for a school or the school district, or both, pursuant to R.S. 17:10.1 and applicable policy of the State Board of Elementary and Secondary Education relative to the school and district accountability system. The amount of any monetary award provided to a school board employee pursuant to the provisions of this Subsection shall not be used in the calculation of any other employee benefit provided for by law.

REFERENCE: La R.S. 17:10.2 B(1) and 17:10.2 B(2)(b).

Q7: Are contributions still sheltered for Assault Pay even though state law prohibits the employee's accumulated sick leave to be charged?

A7: Employees who are on Assault Pay should have their contributions reported as sheltered (pre-tax) as if they are on sick leave.

REFERENCE: La R.S. 17:1201 C(1)(a)

Q8: How long do you have to keep employees on the retirement report for Workers Comp if they are NOT paying contributions?

A8: Employers must notify TRSL when any of their TRSL-covered employees first begin receiving workers' compensation and provide the date of the injury. At the beginning of each fiscal year, employers must provide a list of all members who will continue receiving workers' compensation benefits. Monthly notification is not necessary if the employee was injured after September 8, 1988. If the member chooses not to contribute at the time he or she qualified for workers' compensation, then no service credit (both for benefit computation and for eligibility) can ever be obtained. The continued reporting is necessary because the member can't come back later and try to purchase the service during which he or she were not paying contributions while on workers' compensation.

REFERENCE: Employer Procedure Manual [Index 4.0](#), Pgs. 16-18

Q9: Once the questionable year report is completed for a specific fiscal year, can additional employees continue to appear on that past fiscal year over time? What is the criteria in which that will occur?

A9: Yes, records can be added to the questionable year report at any time. Should a TRSL analyst review a member's records and noticed something was "unreasonable," it could cause a record to be added to the Questionable Year report, even after all the records had been cleared for a fiscal year. Therefore, employers should run their Questionable Years reports several times per year, even for fiscal year periods that may have been worked and previously 'cleared.'

REFERENCE: Employer Procedure Manual [Index 6.0](#), Pg. 4.

Q10: Does TRSL re-request sick leave certification upon retirement even though sick leave files are sent annually?

A10: Upon a member's retirement, TRSL will only request sick leave information for fiscal years in which the information is missing. The Sick Leave Report (under Reports menu in TRSL EMIS) provides a list of member records for which sick leave data is needed (not yet reported), sorted by employee Social Security number and fiscal year.

REFERENCE: Employer Procedure Manual [Index 17.0](#), Pg. 2 & 13 (Sick Leave Report).

Q11: Typically, I notify TRSL when someone has passed. Am I supposed to put in the termination date? I think TRSL has been doing this, but am I supposed to?

A11: Employers should continue to notify TRSL when an individual has passed. However, it is not necessary for employers to process an online termination for active members who have died. Once notified of a member's death, TRSL will update the membership status to indicate the member is deceased, which will also automatically enter a termination date based on the date of death.

REFERENCE: Employer Procedure Manual [Index 13.0](#), Pg. 1 (Reporting member/retiree deaths)

Q12: Just clarifying the 2020 RTW Option 1. A retired Para or CO employee can RTW as a substitute on a 25% earnings limit?

A12: RTW Option 1 is available to all part-time and full-time direct employment positions. It can be selected regardless of the position the retiree is filling, as long as the position is TRSL eligible and through direct employment. Under this option, retirees will be subject to an earnings limit equal to 25% of their original final average compensation (FAC), per fiscal year (July 1 – June 30). If the retiree participated in DROP, the earnings limit will be computed at 25% of his Before DROP final average compensation.

REFERENCE: Employer Procedure Manual [Index 15.2](#), Pg. 3

Q13: Will a retiree who has not returned to work before 7/1/2020 be eligible for a critical shortage position?

A13: The Re-employment Eligible Position — Critical Shortage category is specific to the 2010 RTW law. Retirees subject to the 2020 RTW law are not eligible for this category.

REFERENCE: Employer Procedure Manual [Index 15.0](#), Return-to-Work flowcharts

Q14: If a retiree is hired by agency 1 under RTW Option 1 (PT) and then agency 2 hires them under RTW Option 2 (FT), then agency 1's enrollment is terminated. What does agency 1 do? Since member is PT not FT at agency 1.

A14: Retirees cannot be enrolled under RTW Option 1 (Earnings Limit) and RTW Option 2 (Suspended Benefit/Regain Membership) at the same time. Similarly, they cannot have concurrent enrollments under the 2010 RTW law and the 2020 RTW law. Any active, RTW Option 1 enrollments will be automatically terminated if the retiree is enrolled by another employer under RTW Option 2.

Likewise, any active enrollments under the 2010 RTW law will be automatically terminated if the retiree is enrolled under a 2020 RTW law provision. The employing agency whose employment history line was automatically terminated should submit a new enrollment under RTW Option 2, if that is the category elected by the retiree with the other employer.

REFERENCE: *Employer Procedure Manual* [Index 15.2](#), Pg. 7 (Concurrent enrollments)

Q15: When a retired member returns to work, their benefits are suspended and they are ineligible to pay contributions to TRSL. Do they have to be reported to TRSL on the monthly report? And, would they pay into social security?

A15: Unsheltered contributions are required for all categories of the RTW laws, with the exceptions being "retired members" under the 2010 RTW law or those hired by contract/corporate contract under the 2020 RTW law.

If contributions are not required by the RTW law, the retiree should not be included on your monthly salary file. Questions about whether they should pay into Social Security should be directed to SSA or your tax advisor.

REFERENCE: *Employer Procedure Manual* [Index 15.1](#), Pg. 2, [Index 15.2](#), Pg. 2, and RTW flowcharts

Q16: If a retired teacher works for an approved vendor that contracts with a district for a specific service such as a tutor, does this meet the definition of contract or corporate contract?

A16: Yes. The RTW law addresses direct employment as well as employment by contract or corporate contract. In general, individuals hired through contract are independent contractors who are providing services for an employer that participates in TRSL.

Compensation paid is typically reported to the IRS on a Form 1099 — not a Form W-2 used by employers to report employee wages. Employment by corporate contract is when an individual is performing services for a company pursuant to its contract with an employer that participates in TRSL.

REFERENCE: *Employer Procedure Manual* [Index 15.1](#), Pg. 5, [Index 15.2](#), Pg. 5, and FAQs

Q17: Are unsheltered contributions supposed to be made on a post-tax basis?

A17: Member contributions are typically tax-sheltered (pre-tax). There are, however, some exceptions, such as employees who are on workers' compensation (and not using sick leave), and members making contributions during USERRA military leave (and not using sick/annual leave). For these instances, members contributions are unsheltered (post-tax).

Additionally, when salary and contributions are required for a TRSL-retiree who returned-to-work in a TRSL eligible position, the contributions should be reported as unsheltered (post-tax).

REFERENCE: *Employer Procedures Manual* [Index 4.0](#), Pg. 2 and [Index 15.0](#), Pg. 2

Q18: As a LDOE secondary reporting agency the RTW employee sometimes are not told of the wait time or that their benefits will be suspended. How can we confirm the retirees know this information prior to entering in a contract with LDOE?

A18: 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. Retirees with no waiting period notation are subject to a 12-month waiting period.

Please note, if a retiree makes the irrevocable election to convert to the 2020 RTW law, the 36-month waiting period will convert to 12-months. Additionally, if a member retires at less than 2.5% and they have no RTW history prior to 7/1/2020 they will default to a 12-month waiting period, but will still show the 36-month indicator in EMIS. At this time, the 36-month indicator will not be removed from the system. Any questions about a retiree's waiting period or the 36-month indicator should be addressed to Jessica Trosclair.

Employer Procedure Manual [Index 15.1](#), Pg. 6.
