

Returning to Work after retirement

Understanding the return-to-work laws and how they apply to you

Louisiana's return-to-work (RTW) laws have changed significantly in recent years. This booklet outlines how the laws work and their impact on retirees who become reemployed in positions eligible for TRSL membership.

If you're thinking about returning to work, please read this information carefully so you'll know what to expect during your reemployment.

Retirees receiving a disability benefit can review information on returning to work in TRSL's *Disability Retirement* publication available at www.TRSL.org.

The information in this booklet is subject to change and is not a substitute for Louisiana law concerning TRSL.

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Do RTW laws apply to me?

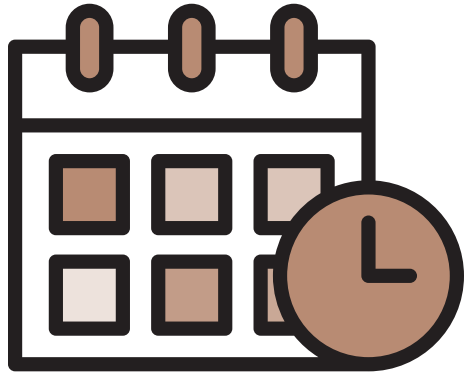
Once you cash or deposit (includes direct deposit) your first TRSL retirement check, you are officially retired and subject to the state's RTW laws.

Important: RTW laws affect TRSL retirees who are reemployed directly or by contract/corporate contract in positions eligible for TRSL membership.

Break in service:

To be considered retired, you must have a break in service of at least one weekday (Monday through Friday).

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



Waiting period:

Retirees who return to work in positions eligible for TRSL membership are subject to a mandatory 12-month waiting period that begins on the date of retirement. The waiting period is applicable to all retirees with no exemptions.

Retirees who return to work before the lapse of the 12-month waiting period will have their benefits suspended for the duration of reemployment or until the waiting period is complete, whichever occurs first.

Reemployed in position not eligible for TRSL membership:

TRSL retirees who return to work in positions that are not eligible for TRSL membership are not subject to the RTW laws.

Employers do not have the authority to waive any part of the RTW laws under any circumstances.

Which RTW law do I fall under?

There are three different RTW laws as shown below. The law that applies to you is determined by when you retired. Furthermore, that law also stipulates how your TRSL benefit will be affected if you return to work.

2010 RTW Group (La. R.S. 11:710)

- Retired **before** July 1, 2020, includes those in the grandfathered group (retired before July 1, 2010)

NOTE: Retirees who retired before July 1, 2020, but whose first reemployment fell under the 2020 RTW Law, can make an election to be covered through July 1, 2027 by the 2010 RTW Law. They can do so by completing Form 15TR, which is available at www.trsl.org.

2020 RTW Group (La. R.S. 11:710.1)

- Retired **on or after** July 1, 2020
- Meets criteria for the 2010 RTW Group, but makes an irrevocable decision to be in the 2020 RTW Group

2022 RTW Group (La. R.S. 11:710.2) *Higher Ed ONLY*

- Retired **before** July 1, 2020; and
- At least age 62; and
- Has at least 30 years of creditable service; and
- Directly employed as an adjunct professor, as defined in La. R.S. 11:710(A)(1), in a nursing program at a public post-secondary education institution where a critical shortage exists



For RTW information relevant to retirees who receive a disability benefit, please see Page 19.

2010 RTW Law (La. R.S. 11:710)

Provisions for the 2010 RTW Group

These retirees can be reemployed under the following provisions. The provision under which you are reemployed determines how your TRSL benefit may be impacted and whether retirement contributions must be paid.

Core Subjects (effective until July 1, 2027)

- Certified in Math, English Language Arts, Science, Special Education (excluding gifted/talented) and directly employed to fill a teaching position in the area of certification

Special Leave (effective until July 1, 2027)

- Certified, at least age 62, with at least 30 years of creditable service, **and** directly employed to fill a teaching vacancy due to one of the following types of leave: Maternity (La. R.S. 17:1211), Military (La. R.S. 17:1215), Sabbatical (La. R.S. 17:1171), or Extended Sick (La. R.S. 17:1202)

Retired Teacher Criteria:

Reemployment-eligible retirees

- Retired before July 1, 2010 (*grandfathered group*)
- Holds advanced degree in speech therapy, speech pathology, or audiology (regardless of position in which they will be reemployed)

Reemployment-eligible positions (Earnings Limit - 25% of annual benefit)

- Substitute PreK-12 “classroom teacher”
- Adult education or literacy instructor (*Education/literacy program must be administered through a public institution of elementary/secondary education, and retiree must hold a valid La. teaching certificate.*)
- Adjunct professor (*as defined in La. R.S. 11:710*)
- School nurse (*as defined in La. R.S. 17:28*)
- Presenter of professional development training
- Tutor for any PreK-12 student
- “Classroom teacher” employed in a temporary capacity to proctor tests

Reemployment-eligible positions (Critical Shortage)

- Full- or part-time PreK-12 “classroom teacher” in a declared critical shortage area. *Retiree must be certified in the subject area of the critical shortage.*
- Full- or part-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 shortage exists. *The position of employment must require a valid Louisiana ancillary certificate approved and issued by the La. Dept. of Education.*

Retired Member Criteria:

- Retirees who do not meet the Retired Teacher criteria, as listed above **or** retirees who do not meet the aforementioned categories.

2010 RTW Law (La. R.S. 11:710)

Impact on TRSL benefits and payment of retirement contributions

The receipt of TRSL retirement benefits and the payment of retirement contributions during reemployment are determined by the provision under which the retiree is reemployed. Use the table below to see how returning to work will impact benefits and contributions for each provision.

2010 RTW Law Provision	Receipt of TRSL benefits	Payment of contributions*
Core Subjects	Yes	Yes
Special Leave	Yes	Yes
Retired Teacher: Grandfathered Retirees	Yes	Yes
Retired Teacher: Advanced Speech Degree Retirees	Yes	Yes
Retired Teacher: Earnings Limit Positions	Yes, but subject to 25% earnings limit	Yes
Retired Teacher: Critical Shortage Positions	Yes	Yes
Retired Members	No	No

**Upon termination of reemployment, employee contributions (if required) are refundable.*

Additional information

If you are considering reemployment under the earnings limit or critical shortage provisions of the 2010 RTW Law, review the following information to see how you may be impacted.

Have questions about reemployment by contract or corporate contract? See Page 17.



2010 RTW Law (La. R.S. 11:710)

Earnings limit positions

In any fiscal year (July 1 - June 30), the 2010 RTW Law restricts earnings from positions subject to the earnings limit (see page 5) to no more than 25% of the retiree's gross annual retirement benefit.

If earnings exceed 25% of the annual retirement benefit, the retiree's benefit will be reduced, or if necessary, suspended to recover the excess amount.

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 that fiscal year.

Earnings limit sample calculation

In the example below, a retiree with a monthly gross TRSL benefit of \$3,000 would have an earnings limit of \$9,000 per fiscal year for their reemployment in a position(s) subject to this provision.

Calculation: Monthly gross TRSL benefit \times 12 \times 25%

Example: $\$3,000 \times 12 \times 25\% = \$9,000$ per fiscal year

Core subjects

If a non-retired individual were to apply for the position in which the retiree is filling, the retiree would no longer be eligible for this category at the start of the next grading period, meaning their employment could be reclassified to "retired member" status.

Critical shortage positions

Qualified retirees can be hired as "retired teachers" under the critical shortage provision only after employers declare a critical shortage and if fewer than three qualified individuals apply.

To declare a critical shortage, employers must certify both full- and part-time critical shortage areas to TRSL and the Board of Elementary and Secondary Education (BESE). Additionally, employers must complete certain advertisement requirements before declaring a critical shortage.

Frequently asked questions

What is a “classroom teacher?”

Any employee (1) whose position of employment requires a valid Louisiana teaching certificate, and (2) who is assigned the professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept; or is assigned to proctor admissions, evaluation, or assessment testing.

What is an adjunct professor?

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

What is a critical shortage?

A critical shortage area can exist (1) for full- or part-time positions in any subject area where a shortage of certified teachers exists, and/or (2) for full- or part-time 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. The school superintendent and/or personnel director must complete certain actions to declare a critical shortage before reemploying a retiree.

What if I am reemployed in a charter school?

If you are in the 2010 RTW Group and reemployed in a position normally eligible for TRSL membership at a charter school that participates in TRSL, you are subject to the 2010 RTW Law. Reemployment directly or by contract/corporate contract must also be considered.

If I am in the grandfathered group within the 2010 RTW Law, does the 2020 RTW Law change my status?

If you are a TRSL retiree who retired before July 1, 2010 (*grandfathered group*), the 2020 RTW Law has no effect on your status. You will continue to be subject to the 2010 RTW Law unless you make an **irrevocable election** to join the 2020 RTW Group and become subject to the 2020 RTW Law.

2010 RTW Law (La. R.S. 11:710)

How do I transfer from the 2010 RTW Group to the 2020 RTW Group, and how will transferring impact my future reemployment?

Retirees in the 2010 RTW Group can make an **irrevocable election** to join the 2020 RTW Group and be subject to the 2020 RTW Law by completing the *Return-to-Work (RTW) of TRSL Retiree – La. R.S. 11:710.1* (Form 15ELEC). Additionally, the employer must update the retiree's option status with TRSL via an online enrollment. All future reemployment for retirees making this **irrevocable election** will be subject to the provisions in the 2020 RTW Law (La. R.S. 11:710.1).

Will my DROP/ILSB withdrawals be impacted if I return to work under the 2010 RTW Law?

Reemployment under the 2010 RTW Law will have no impact on your DROP/ILSB account withdrawals. You will be able to continue receiving withdrawals without interruption.

Provisions for the 2020 RTW Group

There are three options under which these retirees can return to work if they are **directly** reemployed by a TRSL-participating employer in a position eligible for TRSL membership.

The 2020 RTW Law sets forth specific reemployment criteria for each option, including whether the position is part-time, full-time, or is determined to be a critical shortage position.

The option under which a retiree chooses to become reemployed affects their retirement benefit differently. Use the tables on the following pages to determine what options are available to you.



IMPORTANT: Retirees who are reemployed by a contract or corporate contract (indirectly reemployed) in a position eligible for TRSL membership will have their benefits suspended for the duration of employment.

2020 RTW Law (La. R.S. 11:710.1)

RTW Option 1:

Earnings Limit - 25% of final average compensation (FAC)

Available to all part-time and full-time direct employment positions

Contributions:	Employee and employer retirement contributions to TRSL are required during reemployment. Upon termination of reemployment, employee contributions are refundable.
Earnings limit:	Retiree earnings are limited to 25% per fiscal year (July 1 - June 30) of their final average compensation from their original retirement. The benefit is reduced when the earnings limit is reached, and if necessary, suspended to recover amounts over earnings limit.
Waiting period:	Retirees reemployed within 12 months after their retirement date will have their retirement benefits suspended for the duration of reemployment or the lapse of 12 months, whichever occurs first.
Additional information:	<p>Retirees returning to work under RTW Option 1 can convert to RTW Option 2 any time before or after reaching the 25% earnings limit (per fiscal year) provided the RTW Option 2 position is full-time.</p> <p>The retiree must complete a new <i>Return-to-Work (RTW) of TRSL Retiree – La. R.S. 11:710.1</i> (Form 15ELEC) and all reemployment in positions eligible for TRSL membership must be under RTW Option 2 going forward. A retiree cannot be in RTW Option 1 and RTW Option 2 simultaneously. Additionally, once a retiree terminates reemployment under RTW Option 2, any subsequent reemployment may be eligible for coverage under the critical shortage option.</p>

2020 RTW Law (La. R.S. 11:710.1)

RTW Option 2: Suspend Benefit/Earn Supplemental Benefit

Available to all full-time direct employment positions

Contributions:	Employee and employer retirement contributions to TRSL are required during reemployment.
Benefit suspension:	Retiree benefit is suspended for the duration of reemployment and retiree regains active membership in TRSL.
Supplemental benefit:	<p>Service credit is earned during reemployment and retiree accrues a supplemental benefit. The supplemental benefit is calculated with the same formula used to determine the retiree's original benefit, using service credit earned during reemployment under RTW Option 2. The final average compensation (FAC) used will depend on the length of reemployment.</p> <ul style="list-style-type: none">• If reemployment lasts at least 36 months: The supplemental benefit will be calculated based on the higher of the retiree's original FAC or the FAC since reemployment.• If reemployment lasts less than 36 months: The supplemental benefit will be calculated based on the retiree's original FAC.

Critical Shortage:

Available to eligible part-time and full-time direct employment positions (as listed below)

Contributions:	Employee and employer retirement contributions to TRSL are required during reemployment. Upon termination of reemployment, employee contributions are refundable.
Eligible critical shortage positions:	<ul style="list-style-type: none">• Full- or part-time PreK-12 “classroom teacher” in a declared critical shortage area. <i>Retiree must be certified in the subject area of the critical shortage.</i>• Full- or part-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 shortage exists. <i>The position of employment must require a valid Louisiana ancillary certificate approved and issued by the La. Dept. of Education.</i>
Waiting period:	Retirees reemployed within 12 months after their retirement date will have their retirement benefits suspended for the duration of reemployment or the lapse of 12 months, whichever occurs first.
Additional information:	The law requires the employer to complete certain actions to declare a critical shortage before reemploying a retiree in a critical shortage position. Please contact your Human Resources office for more information.

Frequently asked questions

Can I earn more than one supplemental benefit under RTW Option 2?

Yes, if you have multiple periods of entering and leaving reemployment in positions eligible for TRSL membership, a supplemental benefit will be paid for each period for which you earned service credit. However, no supplemental benefit shall be payable until 90 days after your date of termination; and no supplemental benefit, when combined with your original benefit, shall exceed 100% of your highest final average compensation (FAC)—either the FAC used to compute your supplemental benefit or the FAC used to compute your original benefit.

If I am reemployed in positions eligible for TRSL membership with multiple employers, can I switch from RTW Option 1 to RTW Option 2?

Yes, retirees initially choosing RTW Option 1 can switch to RTW Option 2, if filling a full-time position. This switch can occur any time before or after reaching the 25% earnings limit. A retiree must complete a new *Return-to-Work (RTW) of TRSL Retiree – La. R.S. 11:710.1* (Form 15ELEC) and all reemployment in positions eligible for TRSL membership must be under RTW Option 2 going forward. ***A retiree cannot be in RTW Option 1 and RTW Option 2 simultaneously. An overpayment accumulated prior to switching to Option 2 will be recovered upon termination of employment and prior to resuming benefits.***

If I switch from RTW Option 1 to RTW Option 2, when can I receive my refund of RTW Option 1 or critical shortage employee contributions?

When a retiree switches from RTW Option 1 to RTW Option 2, the election of RTW Option 2 is prospective. RTW Option 1 employee contributions are refundable, but only after termination of all reemployment. Thus, in a scenario where a retiree switches from RTW Option 1 to RTW Option 2, the retiree cannot receive RTW Option 1 employee contributions until their RTW Option 2 reemployment is terminated.

Can adjunct professors choose RTW Option 2?

Since RTW Option 2 is only available to full-time positions, adjunct professors would need to work at least 50% of what their employer considers full-time in order to choose RTW Option 2.

2020 RTW Law (*La. R.S. 11:710.1*)

If I am a DROP retiree, will my FAC before or after DROP be used for RTW purposes?

A retiree's final average compensation (FAC) is used when determining the earnings limit for RTW Option 1 and for purposes of determining the calculation components for a supplemental benefit for RTW Option 2. The pre-DROP FAC (also called the original FAC) is used in both instances. For RTW Option 1, the pre-DROP FAC is used to determine the retiree's 25% earnings limit. For RTW Option 2, the pre-DROP FAC is used in the retiree's supplemental benefit calculation if the retiree's reemployment lasts less than 36 months. If the retiree's reemployment lasts 36 months or longer, the supplemental benefit will be calculated on the higher of the pre-DROP FAC or the FAC since reemployment.

Will my DROP/ILSB withdrawals be impacted if I return to work under the 2020 RTW Law?

Reemployment under the 2020 RTW Law will have no impact on your DROP/ILSB account withdrawals. You will be able to continue receiving without interruption.

What if I am reemployed in a charter school?

Retirees in the 2020 RTW Group who return to work in positions normally eligible for TRSL membership at a charter school that participates in TRSL are subject to the 2020 RTW Law. Reemployment directly or by contract/corporate contract must also be considered.

What is a "classroom teacher?"

Any employee (1) whose position of employment requires a valid Louisiana teaching certificate, and (2) who is assigned the professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept; or is assigned to proctor admissions, evaluation, or assessment testing.

What is a critical shortage?

A critical shortage area can exist (1) for full- or part-time PreK-12 teaching positions in any subject area where a shortage of certified teachers exists, and/or (2) for full- or part-time 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. The school superintendent and/or personnel director must complete certain actions to declare a critical shortage before reemploying a retiree.

2022 RTW Law (La. R.S. 11:710.2)

Higher Ed ONLY

Provisions for the 2022 RTW Group

TRSL retirees meeting eligibility requirements for the 2022 RTW Group (see page 4), who return to work in positions eligible for TRSL membership as **direct** hires and not by contract or corporate contract, are eligible to receive their monthly TRSL benefit during reemployment.

Employee and employer contributions are required on compensation received. Upon terminating reemployment, retirees can apply for a refund of the employee contributions they made.

IMPORTANT: The 2022 RTW Law is optional, and is only applicable when the retiree's reemployment scenario meets the eligibility criteria as listed on page 4. Otherwise, the retiree's reemployment would be subject to the 2010 RTW Law or the 2020 RTW Law.

Frequently asked questions

What is an adjunct professor?

An adjunct professor is any part-time faculty, including any instructor, assistant professor, associate professor, or professor, assigned the professional activities of instructing pupils or conducting research at a public institution of postsecondary education.

Can I return to work under the 2022 RTW Group and also be employed under another RTW law?

Yes, you can have concurrent employment under the 2022 RTW Group and one of either the 2010 RTW Group or the 2020 RTW Group.

I am in the grandfathered group within the 2010 RTW Group, does being enrolled in the 2022 RTW Group change my grandfathered status?

If you are a TRSL retiree who retired before July 1, 2010 (grandfathered group), enrollment in the 2022 RTW Group has no effect on your status. You can be concurrently enrolled under the 2010 RTW Group and the 2022 RTW Group with no effect on your grandfathered return-to-work status.

Other information

Reemployment by contract or corporate contract

In general, individuals hired through contract are independent contractors who are providing services for an employer who participates in TRSL. Compensation paid is typically reported to the IRS on a 1099 Form—not a W-2 Form which is 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 who participates in TRSL.

Key reminders: Contract or corporate contract reemployment (by RTW law)

2010 RTW Group	<ul style="list-style-type: none">• Retirees reemployed by contract or corporate contract can be classified as “retired teachers” or “retired members.”• Retirees reemployed by contract or corporate contract cannot be enrolled under the Core Subject or Special Leave provisions.
2020 RTW Group	<ul style="list-style-type: none">• Retirees who return to work through any employment by contract or corporate contract will have their benefits suspended for the duration of reemployment, and do not earn a supplemental benefit. <i>NOTE: Contributions are not required, and no service credit is earned.</i>
2022 RTW Group	<ul style="list-style-type: none">• Retirees reemployed through contract or corporate contract cannot be enrolled under this provision. Retiree must be directly employed to be eligible for La. R.S. 11:710.2.

Regaining active TRSL membership

There are two means by which a retiree can regain active membership in TRSL. However, the requirements and benefits resulting from regaining membership differ greatly for each.

Regaining membership for the purpose of original benefit recomputation – La. R.S. 11:738

This law allows a retiree to regain membership for the purpose of benefit recomputation by doing the following:

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

Regaining membership for the purpose of accruing a supplemental benefit – La. R.S. 11:710.1

Under RTW Option 2 of the 2020 RTW Law, a retiree regains active membership while reemployed and accrues a supplemental benefit that is based on service earned during reemployment. There is no minimum length of reemployment necessary to receive a supplemental benefit.

The supplemental benefit is calculated with the same formula used to determine the retiree's original benefit, using service credit earned during reemployment under RTW Option 2. The final average compensation (FAC) used depends upon the length of reemployment. See page 12 for information on the FAC used to calculate a supplemental benefit.

Retirees regaining membership under the 2020 RTW Law do not receive a recomputation of their original retirement benefit. These retirees only regain membership for the purpose of accruing a RTW supplemental benefit.

TRSL disability retirement

A retiree receiving a TRSL disability benefit cannot return to work in the field of public or private education. Those who do so will have their disability benefits terminated. Once the retiree is eligible for service conversion (or if eligible at time of disability retirement), the RTW laws become applicable. **Contact TRSL before accepting any type of employment to make sure you are in compliance with all disability retirement laws.**



Find more information on TRSL's disability retirement laws in our publication *Disability Retirement* available at www.TRSL.org.

RTW forms

The following RTW forms are available at www.TRSL.org/forms.

Form #	Form name	Completed by:	
		Retiree	Employer
Form 7A	Retiree Refund Application — Used to request a refund of contributions made as a RTW retiree	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Form 15CS	Retiree RTW Critical Shortage Certification — Used by employer to certify a critical shortage		<input checked="" type="checkbox"/>
Form 15ELEC	RTW of TRSL Retiree — Used to elect either Option 1 or Option 2 under the 2020 RTW Law and to transfer from the 2010 RTW Group to the 2020 RTW Group	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Form 11RTW	Application for RTW Supplement — Used to apply for RTW Supplemental benefit	<input checked="" type="checkbox"/>	
Form 15TR	RTW of TRSL Retiree - Special Transfer Group Election of 2010 Group Coverage — Used to transfer from the 2020 RTW Group to the 2010 RTW Group by retirees retired before July 1, 2020 but who first returned to work on or after July 1, 2020, but before June 17, 2022	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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This is an electronic document. The Teachers' Retirement System of Louisiana did not incur any printing costs.

Questions about returning to work after retirement?

We're here to help!

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Telephone: 225-925-6446

Toll free (outside Baton Rouge area):
1-877-ASK-TRSL (1-877-275-8775)

Email: www.AskTRSL.org

Web: www.TRSL.org

Facebook: facebook.com/TRSLonline

Twitter: [@TRSLonline](https://twitter.com/TRSLonline)

YouTube: youtube.com/TRSLonline

