

STEP BY STEP: Declaring a K-12 critical shortage & certifying positions

*This guide is intended for K-12 employers only and **does not apply to critical shortages in Higher Education.***

Current return-to-work (RTW) provisions

TRSL retirees in the 2010 RTW Group who return to work in a TRSL-covered position can be categorized as either “retired teachers” or “retired members,” or be covered in positions under the Core Subjects or Special Leave categories. The “retired teacher” category includes the critical shortage provision and requires the retiree and their employer to pay contributions to TRSL during the period of reemployment.

Definitions

“Classroom teacher”	Any employee (1) whose position of employment requires a Louisiana teaching certificate, and (2) who is assigned the professional activities of instructing pupils in courses in classroom situations in which daily pupil attendance figures for the school system are kept, or is assigned to proctor admissions, evaluation, or assessment testing
Critical shortage area	<p>A critical shortage area can exist for (1) teaching positions in any subject area where a shortage of certified teachers exists, and/or (2) full-time certified speech therapist, speech pathologist, audiologist, school counselor, school social worker, educational transliterator, or educator of the deaf or hard of hearing.</p> <p>The school superintendent and personnel director or school board designee (depending on the critical shortage position) must complete certain actions to declare a critical shortage before reemploying a retiree in a critical shortage position.</p>

Retirees enrolled under the critical shortage category are able to continue receiving their monthly TRSL benefit while reemployed, so long as the waiting period has elapsed and the employer has completed the declaration process.

Waiting period criteria

12 months	<ul style="list-style-type: none">Retired before July 1, 2017Retired on or after July 1, 2017 and who have an advanced degree in speech therapy, speech pathology, or audiology, or who are enrolled in the Core Subjects or Special Leave categoriesRetired 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">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%Plan B members who retired on or after July 1, 2017

IMPORTANT: Retirees reemployed within the 12- or 36-month waiting period are not eligible for retirement benefits and will have their benefit payment suspended for the duration of employment or lapse of the 12- or 36-month waiting period, whichever occurs first.

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Employer procedures for declaring a critical shortage

1. The employer must:

- a. Advertise at least once per month in the official journal of the employer's governing authority that the employer is soliciting applications for future employment of certified teachers.
- b. Post with the career development office, or similar entity, of every post-secondary institution within a 120-mile radius of the employer's governing authority at the beginning of every semester that the employer is soliciting applications for future employment of certified teachers.
 - » This includes public and private institutions, as well as out-of-state institutions.
- c. Display a list of positions that are unfilled and that are filled by reemployed retirees on the website of the employer's governing authority and the website of the employer, if a separate website is maintained.
 - » All positions filled with a retiree must be listed, including grandfathered retirees, and those hired in positions under the Core Subjects and Special Leave positions.
 - » Advertising on Teach Louisiana does not satisfy the above requirements; it can, however, be used as a supplemental advertising source.

2. If fewer than three qualified applicants apply

- a. For "classroom teacher" positions, a retiree who applies and is certified in the subject area of the critical shortage may fill the position as a "retired teacher" under the critical shortage provision of the 2010 RTW Law.
- b. For other critical shortage positions (speech therapist, speech pathologist, audiologist, school counselor, school social worker, educational diagnostician, school psychologist, interpreter, educational transliterator, or educator of the deaf or hard of hearing), a retiree who applies and is certified may fill the position as a "retired teacher" under the 2010 RTW Law.

3. If a qualified retiree who is certified in the subject area is hired, the employer must do the following:

- a. Enroll the retiree in TRSL under the applicable critical shortage provision via the TRSL Employer/ Membership Information Site (EMIS).
- b. Complete and submit to TRSL the *Retiree Return-to-Work Critical Shortage Certification* (Form 15CS).
 - » For "classroom teachers," a form must be signed by the superintendent and personnel director.
 - » For other critical shortage positions, a form must be signed by a school board designee.
- c. Certify to the Board of Elementary and Secondary Education (BESE) that a shortage of full-time PreK-12 "classroom teachers" exists.

Need more information on RTW provisions?

Contact TRSL at 225-925-6446 or web.master@trsl.org.